

## **SRI LANKA 2013 HUMAN RIGHTS REPORT**

### **EXECUTIVE SUMMARY**

Sri Lanka is a constitutional, multi-party republic. President Mahinda Rajapaksa was re-elected to a second six-year term in 2010. The Parliament, which was elected in 2010, shares constitutional power with the president. The president's family dominates government. Two of the president's brothers hold key executive branch posts, as defense secretary and economic development minister, and a third brother is the speaker of Parliament. A large number of the president's other relatives, including his son, also serve in important political and diplomatic positions. Independent observers generally characterized the presidential, parliamentary, and local elections as problematic. Polls were fraught with election law violations by all major parties, especially the governing coalition's use of state resources for its own advantage. Authorities maintained effective control over the security forces. Security forces committed human rights abuses.

The major human rights problems were: attacks on, and harassment of, civil society activists, journalists, and persons viewed as sympathizers of the Liberation Tigers of Tamil Eelam (LTTE) terrorist organization by individuals allegedly tied to the government, creating an environment of fear and self-censorship; involuntary disappearances and a lack of accountability for thousands who disappeared in previous years; and widespread impunity for a broad range of human rights abuses, particularly torture by police and attacks on media institutions and the judiciary. Disappearances and killings continued to diminish in comparison with the immediate postwar period. Nevertheless, attacks, harassment, and threats by progovernment loyalists against critics of the government were prevalent, contributed to widespread self-censorship by journalists, and diminished democratic activity due to the general failure to prosecute perpetrators.

Other serious human rights problems included unlawful killings by security forces and government-allied paramilitary groups, often in predominantly Tamil areas; torture and abuse of detainees by police and security forces; poor prison conditions; arbitrary arrest and detention by authorities; and neglect of the rights of internally displaced persons (IDPs). Defendants often faced lengthy pretrial detention, and an enormous backlog of cases plagued the justice system. Denial of fair public trial remained a problem, and during the year there were coordinated moves by the government to undermine the independence of the judiciary. The government infringed on citizens' privacy rights. There were restrictions on

freedom of speech, press, assembly, association, and movement. Authorities harassed journalists critical of the government, and most major media outlets were controlled by the government. Self-censorship by journalists was widespread, and the government censored some news websites. Citizens generally were able to travel almost anywhere on the island, although there continued to be police and military checkpoints in the north and de facto high-security zones and other areas remained off-limits. IDPs were not always free to choose where to resettle. The president exercised his constitutional authority to maintain control of appointments to previously independent public institutions that oversee the judiciary, police, and human rights issues. Lack of government transparency and widespread government corruption were serious concerns. Sexual violence and discrimination against women were problems, as were abuse of children and trafficking in persons. Discrimination against persons with disabilities and against the ethnic Tamil minority continued, and a disproportionate number of the victims of human rights violations were Tamils. There was an increase in discrimination and attacks against religious minorities, especially Muslims and evangelical Christians. Discrimination against persons based on sexual orientation continued. Limits on workers' rights and child labor also remained problems.

Government officials and others tied to the ruling coalition enjoyed a high degree of impunity. The government prosecuted a very small number of government and military officials implicated in human rights abuses and had yet to hold anyone accountable for alleged violations of international humanitarian law and international human rights law that occurred during the conflict that ended in 2009.

Individuals suspected of association with progovernment paramilitary groups committed killings, kidnappings, assaults, and intimidation of civilians. There were persistent reports of close, ground-level ties between paramilitary groups and government security forces.

## **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

### **a. Arbitrary or Unlawful Deprivation of Life**

There were reports that the government, its agents, or its paramilitary allies committed arbitrary or unlawful killings. Reliable statistics on such killings were difficult to obtain because past complainants were killed, and many families feared reprisals if they filed complaints.

While the overall number of extrajudicial killings appeared to decrease from the previous year, killings and assaults on civilians by government officials were a problem.

On June 12, authorities arrested Vaas Gunawardena, deputy inspector general for police in the northern part of the Western Province, for the May 22 murder of businessman Mohamed Shiyam. Subsequent investigations and reports alleged Gunawardena's responsibility for numerous crimes, including murders, using his position with impunity for years. At year's end, Gunawardena remained in prison on remand, awaiting prosecution on multiple charges.

On August 1, the army killed three persons and injured dozens of others in the town of Weliweriya in response to a demonstration by 4,000 persons who blocked a highway to protest pollution of the local water supply by a nearby factory. Police fired tear gas to break up the protest. When the group refused to disperse, the military fired live ammunition at the demonstrators. One victim, who was waiting for a bus when the protest occurred, was killed by blunt force trauma to the head inside a church, where he had reportedly sought refuge. The army began an inquiry into the incident, reportedly suspending four officials pending the inquiry's results. The Human Rights Commission of Sri Lanka (HRCSL) reportedly started a separate investigation, interviewing dozens of persons with knowledge of the incident. On October 18, media reported that the HRCSL had "paused" its investigation to await army investigation results. On December 16, media reported that the HRCSL had concluded its investigation, but no results were released.

Local NGOs and observers questioned the credibility of government investigations. In an August 6 press release, the Center for Policy Alternatives noted that the army and the HRCSL were conducting investigations into the Weliweriya incident but asked for a "credible, independent, and impartial investigation" to "allay the concerns of the citizens of Sri Lanka as to the alarming extent of the collapse of the rule of law and law and order in the country." Neither the army nor the HRCSL released investigation results by year's end.

There was no new information available on several significant cases from 2012 in which authorities accused government officials of unlawfully killing critics of the government for political reasons or persons held in detention. In February 2012 Waligapola ruling party local councilor Sabha Wasantha fatally beat Amila Pradeep Kumar. In March 2012 Wasantha surrendered to police, but the case was still pending at year's end. There was no progress apparent in prosecuting those

responsible for the June 2012 killing of two Janatha Vimukthi Peramuna (JVP) opposition party supporters at a campaign meeting in Katuwana. During the meeting a group of men opened fire on the persons present, killing Edirimannage Malani and Nimantha Heshan and injuring more than a dozen others.

Eyewitnesses identified some of the gunmen, including Geeganage Amarasiri, an alleged underworld figure with ties to the local government. In June 2012 Amarasiri surrendered to the Tangalle High Court, which released him on bail. Eighteen months later, no new information on the case was available.

On October 14, the Supreme Court dismissed the fundamental rights case brought by family members of prisoner Ganesan Nimalaruban, who died in July 2012 as a result of injuries received during a government prison siege. The siege occurred in June 2012, after LTTE detainees took three prison officials hostage at the Vavuniya Prison as police tried to escort a detainee from the prison under a court order. Police and special task force (STF) officers rescued the three hostages a day later. During the operation several prison guards and 26 inmates were injured. Civil rights activists alleged that prison authorities assaulted inmates during and after the siege. One detainee, Mariadas Navis Dilrukshan, died in August 2012 following several weeks in a coma. Nimalaruban died in July 2012 while receiving treatment for his injuries at Ragama Hospital. In dismissing the fundamental rights case brought by Nimalaruban's father, Chief Justice Mohan Peiris reportedly chastised the complainant for having raised his child to become a terrorist.

On October 17, the government announced the direct indictment of six suspects, including Tangalle village council chairman Sampath Chandra Pushpa Vidanapathirana, for the 2011 murder of a British employee of the International Committee of the Red Cross (ICRC), Khuram Shaikh Zaman, while he was on vacation at a resort in Tangalle. Zaman's girlfriend, also a foreigner, was beaten, stabbed, and raped. She was transported to a local hospital in critical condition. In July minister and government whip Dinesh Gunawardena claimed in Parliament that Zaman's girlfriend had not been raped or sexually violated. "I am presenting the answer given to me by the Ministry of Defense, based on police records submitted to them," he stated. At year's end the court cases were still in progress.

On July 8, the Mount Lavinia chief magistrate exonerated army intelligence officer Kandegadara Priyawansha for the 2009 murder of *Sunday Leader* newspaper editor Lasantha Wickrematunge. Civil society and media commentators in the country greeted the announcement with widespread outrage.

Many suggested that Priyawansha's exoneration ended any possibility for holding the perpetrators of the murder accountable for the crime, since he was the only remaining suspect in the case. In 2011 a second suspect arrested for the murder, Pitchai Jesudasan, reportedly died in prison due to natural causes.

Although the number of killings associated with progovernment paramilitary groups declined from the previous year, there were persistent reports that the Eelam People's Democratic Party (EPDP), led by the minister of traditional industries and small enterprise development, Douglas Devananda, engaged in intimidation, extortion, corruption, and violence against civilians in the Tamil-dominated northern town of Jaffna. For example, on the evening of September 19 and the early morning of September 20, known EPDP members along with other men in what appeared to be military uniforms, attacked the house of Tamil National Alliance (TNA) candidate Ananthi Sasitharan one day before the Northern Provincial Council election. According to reports, the attackers gained entry into the residence and damaged personal property, injuring eight persons. Among the injured was K. Sugash, legal advisor for the local election monitoring organization People's Action for Free and Fair Elections, who said that he notified the attackers of his identity prior to his beating. N. Gopalaswami, the South Asian Association for Regional Cooperation election monitoring team leader during the Northern Provincial Council elections, told the BBC news service that he was "101 percent certain" that the military carried out the attack. On May 6, a 12-member squad of alleged EPDP members on motorbikes attacked the president of the War Affected People's Movement (WAPM), V. Sahadevan, and WAPM treasurer P. Pushparaja with cricket bats near the Jaffna District's secretariat. According to media accounts, Sahadevan and Pushparaja were distributing leaflets protesting Minister Devananda's allegedly illegal business activities. In March 2012 authorities remanded EPDP member Kanthasuwamy Jagadeswaran to prison for sexually abusing and killing 13-year-old Jesudasan Lakshini. DNA and blood testing reportedly confirmed Jagadeswaran's involvement in the incident. At year's end Jagadeswaran remained in prison on remand without a court judgment.

There were persistent reports of close ties between progovernment paramilitary groups such as the EPDP and government security forces. Whereas during the war these groups served more of a military function, often working in coordination with security forces, they increasingly took on the characteristics of criminal gangs as they sought to solidify their territory and revenue sources in the postwar environment.

In 2009 the United Kingdom’s Channel 4 broadcast a report on events at the end of the civil war, following it with a more extensive documentary made available on the internet in 2011, *Sri Lanka’s Killing Fields*, which purported to show graphic evidence of army forces committing human rights violations, including extrajudicial executions. In January 2012 army commander Jagath Jayasuriya appointed a five-member “initial fact-finding inquiry” known as the court of inquiry (COI) to follow up on observations made by the Lessons Learnt and Reconciliation Commission (LLRC) on civilian casualties in the final stages of the war. The government also asked the COI to investigate the Channel 4 video footage. On February 15, the president of the COI, Major General Chishantha De Silva, submitted the COI report to General Jayasuriya. The COI reportedly examined statements from senior field commanders, infantry, artillery, intelligence, and other participants in the war’s final stages. A February 15 statement on the Ministry of Defense website stated that the COI concluded that the LTTE, a terrorist entity, had violated international humanitarian law with impunity, through the use of civilians as human shields, the placement of heavy weapons among civilian populations, and the conscription of civilians, including children and the elderly. The COI concluded, however, that the military had carried out President Rajapaksa’s “zero civilian casualty” directive, behaved as a well-disciplined military force, and observed international humanitarian law completely. On April 10, Commander Jayasuriya handed the COI report to Secretary of Defense Gotabaya Rajapaksa and announced that the COI would proceed to investigate Channel 4’s allegations of summary executions of LTTE combatants. On April 11, Yasmin Sooka, a member of the 2011 UN panel of experts, stated that the report of the army COI’s findings “stretched credibility” and repeated many observers’ calls for an independent investigation. By year’s end the COI report had not been released to the public, despite the government’s stated willingness to do so.

### **b. Disappearances**

Enforced and involuntary disappearances continued to be a problem. There were no official statistics regarding such disappearances, and citizens’ considerable fear of reporting such incidents made reliable accounting difficult. One incomplete study of open-source media reports from March 3 to October 6 found at least 17 individuals abducted in 12 events, most of them in Colombo or the Northern or Eastern Provinces. Among the individuals allegedly abducted were businessmen, political party activists, and one entire family. The victims of the alleged abductions were disproportionately Tamils. In three of the abductions, media reported that the perpetrators eventually released the victims.

In a report released on May 23, Amnesty International (AI) reported more than 20 alleged enforced disappearances in 2012. Among the victims were political activists, businesspersons, and suspected criminals, leading observers to suspect the involvement of the government or government-allied forces in several cases. Citizen journalism website *Groundviews* tallied 57 disappearances reported in the English-language press between January and July 2012. In a July 2012 statement on its website, the Ministry of Defense denied that soldiers were behind any abductions and stated that only 18 persons alleged by *Groundviews* to have disappeared were actually missing, most of them in ordinary crime-related incidents.

Armed men abducted Tamil businessman Ramasamy Prabhakaran in Colombo in February 2012, two days before the fundamental rights case that he filed against police was to be heard. Authorities had released Prabhakaran from prison in 2011 after two years in detention without charges, and he was challenging his arbitrary detention and abuse while in custody. He claimed to have received threats against pursuing the case. At year's end no new information regarding the case was available, and Prabhakaran's whereabouts remained unknown.

There was no progress in solving the 2011 disappearances of Lalith Kumar Weeraraj and Kugan Muruganandan, two activists from a dissident faction of the JVP. Weeraraj had actively raised human rights concerns faced by the Tamil people, such as disappearances and unlawful detention. Security forces had threatened, assaulted, and detained him on previous occasions.

In its annual report released January 28, the UN Working Group on Enforced and Involuntary Disappearances tallied 5,676 total outstanding cases from the country at the end of 2012. In November 2012 the working group issued its fourth reminder to the government of its initial 2006 request to be invited to the country for an official visit. At year's end the government had not responded to the seven-year standing request.

The ICRC annual report for 2012, released on June 21, noted that ICRC Sri Lanka was handling 16,090 cases of missing persons as of December 2012, including 823 women and 1,574 minors. This caseload included cases reported to the ICRC since 1990. In 2012 the ICRC received 335 new cases, including 76 involving women and 85 involving minors, and traced 36 persons.

There was no significant progress made with regard to the thousands of disappearances from past years. The government did not publish the results of any investigations into disappearances, nor did it publish information on any investigations, indictments, or convictions of anyone involved in cases related to disappearances.

On August 14, President Rajapaksa announced the creation of a new commission to investigate incidents of disappearances during the country's 26-year civil war. The government appointed Maxwell Parakrama Paranagama, a former Supreme Court justice and member of the LLRC, to chair the three-member commission. The president stated that the commission would issue its report after a thorough, six-month investigation (that could be extended if warranted) and that legal action would be taken against anyone found responsible for disappearances. The announcement came 10 days before the UN high commissioner for human rights, Navanethem Pillay, arrived in the country for an official visit. At the end of her visit, Pillay stressed the need for the commission to be more effective than the five previous commissions of its kind. She added that she was disappointed the commission would only cover disappearances during the war in the Northern and Eastern Provinces, meaning that the many disappearances reported in Colombo and other parts of the country in recent years would not fall within its scope. On October 16, the government announced that it would conduct a new census beginning November 30 as part of the commission's work to catalogue wartime deaths, disappearances, and property damage. The census concluded on December 20, but civil society expressed concern that serious structural flaws will prevent it from being able to deliver credible results, particularly restrictions limiting reporting on the dead and disappeared to the immediate household, which was justified by claims the government was attempting to minimize double-counting. No results of the commission's investigations were released by year's end.

There was no progress in the case of Prageeth Eknaligoda, a journalist and cartoonist for *Lanka-e-news*, who disappeared in 2010, just before the presidential election. In 2011 Mohan Peiris, then senior legal advisor to the cabinet and former attorney general and since January chief justice of the Supreme Court, claimed in a question-and-answer session following a presentation to the UN Committee against Torture (CAT) that Eknaligoda was alive, had secretly left Sri Lanka, and was living abroad. In his June 2012 testimony before the Homagama Magistrate Court, Peiris stated that he based his claim at the CAT on hearsay, and he in fact had no knowledge about whether Eknaligoda was alive. On June 6, Member of Parliament (MP) Arundhika Fernando claimed that he saw Eknaligoda

in France and then repeated the claim in various print and electronic media outlets. He stated that his friend and journalist Manjula Wediwardena had introduced him to Ekneligoda, but in a live confrontation on television, Wediwardena denied having met the MP in France or introducing him to Ekneligoda. Fernando reiterated his claim before the Homagama Magistrate Court in July and before Parliament again in December. Follow-up testimony from additional witnesses was taken on August 21. No new information regarding Ekneligoda's fate was presented by year's end.

The UN Children's Fund's (UNICEF) Family Tracing Unit recorded 2,493 tracing requests since its establishment in 2009. Of the requests 774 were related to children and 1,718 concerned adults. Approximately 155 of the children later were matched with names found in hospital and other records and referred to the probation and child care commissioner for tracing, verification, and reunification. According to UNICEF data, the LTTE recruited 57 percent of the children prior to their disappearance. UNICEF worked with probation departments in Jaffna, Kilinochchi, Mullaitivu, Mannar, and Batticaloa to integrate family tracing units into their departments.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The law makes torture a punishable offense and mandates a sentence of not less than seven years' and not more than 10 years' imprisonment. There were credible reports, however, that police and security forces tortured and abused citizens. The Prevention of Terrorism Act (PTA) allows for confessions extracted by torture to be admitted as evidence.

In the east and north, military intelligence and other security personnel, sometimes allegedly working with paramilitaries, were responsible for the documented and undocumented detention of civilians suspected of LTTE connections. Detention reportedly was followed by interrogation that sometimes included mistreatment or torture. There were reports that authorities released detainees with a warning not to reveal information about their arrest or detention, under the threat of re-arrest or death.

Human rights groups claimed that some security forces believed torture to be allowed under specific circumstances. Several former LTTE combatants released from rehabilitation centers reported torture or mistreatment as well as sexual harassment by government officials while in rehabilitation centers. In 2012 police

endorsed the incorporation of a full human rights curriculum and lesson plan developed by the UN Office of the High Commissioner for Human Rights into the police training curriculum, but the plan was never enacted.

There were reports that police harassed and extorted money or sexual favors from lesbian, gay, bisexual, and transgender (LGBT) individuals with impunity and assaulted gays and lesbians (see section 6).

There were a number of credible reports of sexual violence against women in which the alleged perpetrators were armed forces personnel, police officers, army deserters, or members of militant groups. A number of women did not lodge official complaints due to fear of retaliation.

Human rights activists frequently complained about police and security force participation in acts of violence against women. On May 14, an unnamed soldier attached to the army camp in Nedunkerni, Vavuniya, allegedly raped a six-year-old girl returning home from school. Following a police investigation, authorities arrested the soldier, who appeared before the Vavuniya magistrate on June 7 and was remanded until June 21. No further updates on the case were available at year's end. Authorities accused the same soldier of raping another young girl on May 8 in Dehiattakandiya, Monaragala District. The soldier reportedly had been transferred to Vavuniya after his release on bail from the first case.

## **Prison and Detention Center Conditions**

Prison conditions were poor and did not meet international standards due to gross overcrowding and the lack of sanitary facilities.

**Physical Conditions:** In many prisons inmates reportedly slept on concrete floors and often lacked natural light or sufficient ventilation. According to prison officials and civil society sources, prisons designed for approximately 11,000 inmates held an estimated 32,000 prisoners. More than 13,000 of these prisoners were either awaiting or undergoing trial. There were approximately 1,400 female prisoners. In some cases juveniles were not held separately from adults. Pretrial detainees often were not held separately from convicted prisoners. Petty criminals often were incarcerated with perpetrators of more serious crimes. Female prisoners were held separately from male prisoners and in generally poor conditions. Prisoners and detainees had access to potable water. Authorities acknowledged poor prison conditions, but cited lack of space and resources as limiting factors.

Administration: There were no ombudsmen to handle prisoner complaints. There were alternatives to incarceration for nonviolent offenders, including community service and community-based corrections alternatives. Community-based corrections included elements of rehabilitation and counseling in addition to community service work. The law mandates that magistrates visit prisons once a month to monitor conditions and hold private interviews with prisoners, but this rarely occurred because the backlog of cases in courts made it difficult for magistrates to find the time. Authorities allowed prisoners and detainees, except those held in informal detention facilities, access to family members and religious observance.

Independent Monitoring: Authorities often denied international organizations access to regular and remand prisons. They also frequently limited access by monitoring bodies to detention facilities for detained migrants and asylum applicants. The government permitted independent human rights observers and the ICRC to visit the detention facilities of the Terrorist Investigation Division (TID). The government stated that there were no detention facilities operated by military intelligence.

There was no new information available on the November 2012 Welikada Prison riot, during which 27 prisoners were killed and more than 40 persons injured, including prisoners, STF personnel, prison guards, and others. During an STF search for illegal arms and drugs, prisoners reportedly broke into the prison armory, and a gunfight ensued between prisoners and the STF. Human rights groups and opposition politicians alleged that some of the dead prisoners had been executed. Separate investigations by the Minister of Rehabilitation and Prison Reforms Chandrasiri Gajadeera and Prisons Commissioner General P.W. Kodippili found that overcrowded prisons, easy access to narcotics, and resistance by prisoners to the STF's search operations were the main reasons for the riot. A three-member committee commissioned by Gajadeera was due to submit a final report on the incident in December 2012, but the government granted it a two-month extension to conduct further investigations into available evidence. In September, media reported additional delays in the report's release. Authorities had not announced a release date by year's end.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention, but such incidents frequently occurred. There were numerous reports throughout the year of victims arrested and detained on unsubstantiated charges.

The PTA does not clearly define what constitutes an arbitrary arrest. Under the PTA security forces have sweeping powers to search, arrest, and detain. Detainees may be held for up to 18 months. Many detainees continued to be held arbitrarily for prolonged periods without charge, including in irregular places of detention.

According to human rights groups, an unknown number of detainees were believed to be held in police stations, the Criminal Investigation Department (CID), the TID, army camps, or other informal detention facilities on suspicion of involvement in terrorism-related activities. Authorities allegedly held many of these detainees incommunicado without charge or trial. Numerous reports suggested that security personnel used involuntary disappearances to interrogate suspected terrorists “off the books” without the need to document the cases. Authorities then released victims of these disappearances and unreported interrogations and told them not to disclose their abductions or interrogations under threat of physical harm.

Of the approximately 12,000 LTTE combatants who surrendered at the end of the war, government reports indicated that 11,631 were rehabilitated and released and approximately 232 remained in rehabilitation centers. Based on a comparison with the 2012 totals, authorities apparently released an estimated 370 rehabilitation center prisoners during the year, although the government did not verify this total. Of the 700 hardcore former combatants considered by authorities to be potentially criminally liable, many were transferred to the criminal justice system during the year, continuing the 2012 trend, while authorities transferred a smaller number from detention facilities to rehabilitation centers for rehabilitation and release.

Exact numbers of former combatants rehabilitated, released, or moved into the criminal justice system were difficult to track, since individual prisoners moved within the system frequently. Reintegration of former combatants released from rehabilitation remained challenging due to intensive surveillance by the military, social stigma (some persons were afraid to associate themselves with former combatants, who regularly had to report to the army), employment difficulties, and psychological trauma. Several released former combatants reported torture or

mistreatment, including sexual harassment, by government officials while in rehabilitation centers.

## **Role of the Police and Security Apparatus**

On August 16, the president created the Ministry of Law and Order with the aim of delinking police departments from the armed services. On August 23, the government appointed retired major general Nanda Mallawaarachchi, the former army chief of staff, as secretary of law and order. The president, as he did for defense and finance, maintained the ministerial portfolio in this area. The Inspector General of Police (IGP) is responsible for the nearly 90,000-member Sri Lanka Police Service (SLPS). The SLPS conducts civilian police functions, such as enforcing criminal and traffic laws, enhancing public safety, and maintaining order.

Before the creation of the Ministry of Law and Order, the IGP reported to the defense secretary (in a separate chain of command from that of the armed forces and other military units). The nearly 6,000-member paramilitary STF is within the structure of the SLPS, although joint operations with military units in the past led to questions among observers about who directed the STF. In late 2012 the government formed the Civil Defense Force (CDF) – formerly known as the Home Guard – as an auxiliary to police. The CDF was designed to help keep law and order without increasing police or military presence in politically sensitive areas and provides jobs for a number of former LTTE cadres who otherwise might not be able to find steady employment. Members of civil society suggested that the CDF was an avenue for the government to continue its surveillance and intimidation of the Tamil population and alleged that the government had forced Tamil members of the CDF to participate in progovernment demonstrations.

In December 2012, 109 Tamil female soldiers were recruited into the 6th Sri Lanka Army Women's Corps. In March, 95 of the women, who were from the northern districts of Mullaitivu, Vavuniya, Kilinochchi, and Mannar, completed a four-month training course in English and Sinhalese, civilian-military relations, and reconciliation issues. Reports suggested that the Tamil female recruits were serving as civil affairs coordinators and clerks throughout the Northern Province.

The National Police Commission, which was appointed by the president but had been inactive since 2009, was reinstated in February 2012 to receive and investigate complaints from the public against police. According to the most

recent available information, the commission received approximately 500 complaints from February to October 2012.

Few police officers serving in Tamil-majority areas were Tamil, and most did not speak Tamil or English, although media and government reports indicated that the government continued to hire, train, and deploy ethnic Tamils. In October 2012, 245 new Tamil recruits, approximately 80 percent of whom were from the north, reported for training, and police confirmed that there were 318 Tamil recruits in training and 1,177 Tamil officers sworn in and deployed in communities.

Sporadic reports of the training and deployment of Tamil and Tamil-speaking police officers in the north and east continued throughout the year. In June media reported the completion of training for 44 Tamil subinspectors of police. In December reports stated that an additional 240 Tamil police constables and 233 Tamil police drivers had completed training. Also in December police spokesperson Ajith Rohana announced that 900 Tamil police officers and 1,500 Tamil-speaking Sinhalese officers had been deployed in the north and east to date. The data were difficult to verify, and local populations continued to complain of serious language deficits among police in the north and east that impeded the provision of efficient police services.

Widespread impunity persisted, particularly for cases of torture, corruption, human rights abuses, and attacks on media by police, military, and progovernment paramilitary forces. For example, throughout the year military and paramilitary agents with apparent links to the government engaged in a campaign to tarnish the image of, and intimidate employees at, the Tamil-language *Uthayan* newspaper. On multiple occasions military commanders in Jaffna and Kilinochchi publicly criticized *Uthayan* editors and the newspaper's reporting for inciting hatred and "communal violence." The verbal attacks were accompanied by a series of physical assaults on *Uthayan* personnel and facilities throughout the year.

In March, Duminda Silva, an MP from the ruling Sri Lanka Freedom Party (SLFP), returned to Colombo to face court proceedings related to his role in a 2011 clash with former SLFP MP Baratha Lakshman Premachandra in which four persons (including Premachandra) were killed, while Silva was seriously injured and hospitalized. Police arrested several suspects, including two who later fled to India after being released on bail. Although a Colombo magistrate's court ordered Silva's arrest and appearance in court, Silva fled to Singapore for medical treatment, where he remained for over a year. Media reported that authorities granted Silva bail in April. Witness testimony was taken in the case throughout

the year. On December 20, media reported that Silva received court permission to return to Singapore in January 2014 for a month of additional medical treatment.

There were also reports of police and security force inaction in the face of attacks by Buddhists against religious minorities. For example, on March 28, a mob led by Buddhist monks attacked a warehouse operated by Fashion Bug, a chain of retail clothing stores owned by a Muslim family. The mob, which reportedly grew to about 500 persons, smashed windows and burned clothing. Police were present but did not intervene at first, and STF officers were called to the scene to control the situation. Several days later police arrested a few of the alleged perpetrators of the attack but later released them without charge. On August 10, a dispute over the location of a mosque in Grandpass in northeast Colombo erupted into violence when a group of approximately 200 protesters, led by Buddhist monks, pelted the mosque with stones. According to reports, police on the scene watched as the attackers launched their assault, intervening only after reinforcements arrived. Ten individuals were injured in the attack, which trapped numerous worshippers inside the building. Authorities had not arrested anyone for the attack by year's end.

The government consistently failed to convict anyone for attacks on journalists, and arrests in these cases were uncommon. A group that reportedly included army "deserters" took *Sunday Leader* associate editor Mandana Abeywickrema hostage on August 24. She ultimately fled the country for her safety. The failure of police to apprehend perpetrators of these attacks and the failure to convict any suspects who were arrested, further highlighted the high level of impunity in an environment in which law enforcement possessed expansive powers of detention and surveillance but failed to solve cases of attacks on those critical of the government. The government made no progress in solving the 2011 attack on *Uthayan* news editor Gnanasundaram Kuhanathan, the 2010 abduction of Prageeth Ekneligoda, and the 2009 killing of *Sunday Leader* editor Lasantha Wickrematunge.

Evidence of serious violations of international humanitarian law and international human rights law in the final stages of the war continued to mount, but the government refused to acknowledge credible allegations that members of the armed forces were involved in such incidents. The army COI, appointed in 2012 by the army commander to look into such allegations, reportedly absolved the armed forces of any wrongdoing, but human rights organizations questioned the COI's independence and the extent to which military investigative mechanisms could credibly investigate allegations against the military.

On July 4, the government rearrested 12 of the 13 suspects who had been released in 2009 for the 2006 murder of five Tamil high school students on a Trincomalee beach. Among the suspects was an assistant superintendent of police, who at the time of the murders was a Trincomalee-based police inspector. On October 14, the judge in the case reportedly released the suspects on bail and instructed them to avoid threatening the witnesses who planned to testify against them. The government reported that witness testimony had been taken in the case on October 29 and December 3.

The government did not conduct any further inquiries into the high-profile cases investigated by the 2006 Presidential Commission of Inquiry, including the 2006 killing of 17 local staff of the French NGO Action against Hunger (ACF) in Muttur. The Sri Lanka Monitoring Mission, an international cease-fire monitoring group, released a statement following the killing of the ACF workers which concluded “there cannot be any other armed groups than the security forces who could actually have been behind the act.” The 2006 commission of inquiry into the incident was disbanded in 2009 without issuing a public report. There were reports, however, that the commission had blamed the ACF for allowing its workers to be in an unsafe location, at the same time exonerating all government security forces from any possible involvement in the killings. On December 3, the ACF released a report entitled *Muttur: The Truth about the Assassination of 17 Aid Workers in Sri Lanka*, which noted that it had been seven years and four inconclusive government investigations since the killings and questioned the government’s ability to investigate the case and provide justice. Referring to the killings as “one of the most atrocious war crimes ever committed against humanitarian personnel,” the report concluded that the ACF victims “were likely assassinated by members of Sri Lankan security forces and the criminals must have been covered up by Sri Lankan top authorities.”

### **Arrest Procedures and Treatment While in Detention**

By law, authorities are required to inform an arrested person of the reason for arrest and bring that person before a magistrate within 24 hours; however, several days and sometimes weeks or months elapsed before detained persons appeared before a magistrate. A magistrate may authorize bail or continued pretrial detention for up to three months or longer. Judges need approval from the Attorney General’s Office to authorize bail for persons detained under the PTA. Judges normally did not grant bail in PTA-related cases. Police can make an arrest without a warrant for certain offenses, such as murder, theft, robbery, and

rape. In the case of murder, the magistrate is required to remand the suspect, and only the High Court may grant bail. In all cases suspects have the right to legal representation, although there is no legal provision specifically providing the right of a suspect to obtain legal representation during interrogations in police stations and detention centers. There were credible reports that detainees often did not have a lawyer present at the time of interrogation. Counsel was provided for indigent defendants in criminal cases before the High Court and courts of appeal, but not in other cases.

By law, police may detain a suspect for 48 hours, after which the suspect must be produced before a magistrate, but there were reports of cases in which this law was not respected. Observers received multiple reports of suspects being detained incommunicado for extended periods and without charges being brought.

Arbitrary Arrest: NGOs and individuals complained that the armed forces and their paramilitary allies detained suspected LTTE sympathizers and did not surrender them to police, blurring the line between arrests and abductions. According to AI's April 2013 report *Sri Lanka's Assault on Dissent*, authorities arrested two staff members of Tamil National Alliance MP Sivagnanam Shritharan, Arunachalam Arunasalam Vezhamaligathan and Ponnampalam Lakshmikanthan in January, after explosives were allegedly found at Shritharan's Kilinochchi office. According to subsequent media reports, a fundamental rights case was submitted on behalf of both men, who alleged they were tortured by TID interrogators, and the Supreme Court ordered medical evaluations to be conducted on November 12. Both suspects were released on November 5 after nearly 10 months in prison.

Pretrial Detention: The judicial process moved slowly, and more than half of those in prison either were awaiting or undergoing trial. According to the most recent information available, more than 1,000 prisoners awaiting trial had spent more than two years in remand. Lengthy legal procedures, large numbers of detainees, judicial inefficiency, and corruption often caused trial delays. Legal advocacy groups asserted that it was common for the length of detention to equal or exceed the sentence for the alleged crime.

In May 2012, 200 inmates from prisons in Colombo, Kalutara, and Vavuniya undertook a hunger strike, demanding that authorities either initiate legal action against them or release them. The prisoners called off the hunger strike after authorities promised to establish three new high courts to accelerate the cases of suspected LTTE prisoners. The Justice Ministry completed initial work to

establish the high courts, but processing cases was delayed due to the insufficient number of high court judges. During the year the new courts began to function, but their effect on diminishing the case backlog was unclear at year's end.

Persons under administrative detention did not enjoy the same rights as those awaiting trial. For example, lawyers were required to apply for permission from the TID to meet clients detained at the Boosa Detention Center and were not able to meet detainees without a police presence. Pretrial detainees did not have the right to legal counsel during questioning by police.

Persons convicted and undergoing appeal did not receive credit towards their original sentence for time served in prison while the appeal continued. Appeals often took several years to resolve.

**Amnesty:** The president granted amnesty to a number of prisoners throughout the year on national holidays or other occasions. For example, in February the president granted amnesty to 1,270 inmates convicted of minor offenses to mark the 65th anniversary of independence.

#### e. Denial of Fair Public Trial

Following the 2010 passage of the 18th amendment to the constitution, executive influence over the judiciary significantly increased. The 18th amendment repealed the 17th amendment and eliminated the Constitutional Council, a multi-party body created to select members of independent judicial, police, human rights, and other commissions. In place of the Constitutional Council, the 18th amendment established the Parliamentary Council, which submits nonbinding advice on appointments to the president, who has sole authority to make direct appointments to the commissions. The president also directly appoints judges to the Supreme Court, High Court, and courts of appeal.

On January 13, coordinated moves by the government to undermine the independence of the judiciary culminated with the impeachment of Chief Justice Shirani Bandaranayake on accusations related to undeclared assets and misconduct. The process began in October 2012, when the Supreme Court invalidated a bill that sought to concentrate power in the central government at the expense of provincial councils. On the following day, Parliament initiated impeachment proceedings against Bandaranayake. The impeachment motion, filed by the ruling party and lodged in Parliament in November 2012, contained 14 charges ranging from undeclared assets to violating constitutional provisions.

A parliamentary select committee (PSC) was formed to investigate the charges. The 11-member PSC considering the case was composed of a majority of ruling coalition members who had already expressed their belief in the chief justice's guilt. The committee denied the chief justice sufficient time and information to prepare her defense, even refusing her access to documents and evidence used by the panel members. Members of the committee reportedly verbally abused Bandaranayake. The panel informed the chief justice that they had no plans to call witnesses to give oral evidence and denied her request to cross-examine witnesses who provided written testimony against her. Bandaranayake and her lawyers quit the hearings in protest at the lack of due process. Later the opposition members of the PSC also boycotted the proceedings. After both the opposition MPs and the defense refused to participate in the hearings, the government members of the PSC moved quickly to complete the hearings, hastily calling witnesses, and examining over a thousand pages of documents in two days before concluding the investigation. The committee completed its report within 24 hours after concluding its hearings and found the chief justice guilty on three charges.

The Supreme Court ruled that the proceedings were unconstitutional, but the government rejected the ruling, stating that the court had no jurisdiction over parliamentary actions. On January 15, the president appointed close advisor and former attorney general Mohan Peiris as the new chief justice. Local civil society groups, religious organizations, human rights watchers, and judicial and law organizations such as the Bar Association of Sri Lanka criticized the impeachment and characterized it as a politically motivated effort to curb the independence of the judiciary and consolidate the president's powers. According to AI's April 2013 report *Sri Lanka's Assault on Dissent*, lawyers and judges received calls and letters threatening their lives due to their activism surrounding the impeachment proceedings.

Throughout the year the government pursued its case against impeached Chief Justice Bandaranayake through the Bribery Commission. In protest against an alleged witch hunt, Bandaranayake attended each session dressed in black.

In October 2012 four unidentified men attacked the secretary of the Judicial Service Commission, Manjula Tilakaratne. Tilakaratne had stated publicly that he and his family were under threat due to a September 2012 statement he issued asserting that the executive branch was interfering with the Judicial Service Commission. At year's end, no arrests had been made for the attack. In November and December 2012, the UN special rapporteur on the independence of judges and lawyers, Gabriela Knaul, expressed serious concerns about reported

intimidation and attacks against judges and judicial officers in the country. She warned that they might form part of a pattern of attacks, threats, and reprisals against, and interference with the independence of, the justice system.

There was no procedure in place to address the legal status of former LTTE combatants held in rehabilitation centers. Human rights lawyers sometimes were subjected to physical and verbal threats.

### **Trial Procedures**

Defendants are presumed innocent in judicial cases. In High Court criminal cases, juries try defendants in public. Defendants are informed of the charges and evidence against them, and they have the right to counsel and the right to appeal. There are no formal procedures for ensuring how quickly arrested persons may contact family or a lawyer, but they were allowed to make calls on their cell phones to such persons. The government provides counsel for indigent persons tried on criminal charges in the High Court and the courts of appeal, but not in cases before lower courts. Private legal aid organizations assisted some defendants. Juries are not used in cases brought under the PTA, but defendants in such cases have the right to appeal. Defendants have the right to confront witnesses against them, present witnesses and evidence, and access government-held evidence, such as police evidence.

Confessions obtained by coercive means, including torture, are generally inadmissible, except in PTA cases. Defendants bear the burden of proof, however, to show that their confessions were obtained by coercion.

The law requires court proceedings and other legislation to be available in English, Sinhala, and Tamil. Most courts outside of Jaffna and the northern and eastern parts of the country conducted business in English or Sinhala. A shortage of court-appointed interpreters restricted the ability of Tamil-speaking defendants to receive a fair hearing in many locations, but trials and hearings in the north and east were in Tamil and English. There were few legal textbooks in Tamil.

### **Political Prisoners and Detainees**

The government detained and imprisoned a number of persons for political reasons. The government permitted access to such persons on a regular basis by international humanitarian organizations.

The most prominent political prisoner was Azath Salley, leader and founder of the Muslim Tamil National Alliance. Authorities arrested Salley under the PTA on May 3 and held him until his release on May 10. Secretary of Defense Gotabaya Rajapaksa told media on May 9 that authorities arrested Salley for conspiring to mobilize Sri Lankan Muslims to wage an armed struggle against the country. He alleged that there was incriminating evidence that Salley had held discussions with an India-based group to bring Tamil-speaking Sri Lankan Muslims “into the hands of” the Tamil National Alliance political party. While in jail, Salley went on a hunger strike. A total of 117 religious figures, NGOs, civil society activists, and politicians signed a statement criticizing the arrest for being politically motivated.

In 2012 authorities released Sarath Fonseka, a former army commander and the main opposition candidate in the 2010 presidential election, after he served two years in prison for what many international observers viewed as political charges.

### Civil Judicial Procedures and Remedies

Citizens may file fundamental rights cases to seek redress of human rights violations. The judiciary exhibited some independence and impartiality in adjudicating these types of cases, and plaintiffs were awarded damages in a number of instances. Observers cited bureaucratic inefficiencies in this system, leading to delays in the resolution of many cases. Where damages were awarded, there were relatively few problems in enforcing the court orders.

### Property Restitution

The military seized significant amounts of land during the war to create security buffer zones around military bases and other high-value targets, which the government called high-security zones (HSZs). The creation of HSZs displaced large numbers of persons, particularly in the Jaffna Peninsula, who did not receive restitution for their lands. Authorities made a small degree of progress in reducing the size of the HSZs during the year. Many of those affected by the HSZs continued to complain, however, that the pace at which land was demilitarized was too slow and that the government was holding lands it viewed as economically valuable.

Civil society and human rights activists also criticized the government for lack of transparency in dealing with impending land releases and for failing to “gazette” (publish official notification) lands that would not be returned to original owners,

preventing the owners from filing for compensation in accordance with domestic legal provisions on the acquisition of land. The government cited the need to conduct careful demining prior to the handover of these lands, but questions persisted about whether land cleared of mines was always returned immediately to its original owners. Moreover, reports emerged that the government had hurried the return of certain communities prior to proper demining. Although there was no legal framework for HSZs following the lapse of emergency regulations in 2011, they still existed and remained off-limits to civilians.

The government claimed that only one HSZ – Pallaly in Jaffna District – remained. Numerous other HSZs remained, although they have been redesignated under a number of different terms. The largest HSZs continued to be located in Jaffna and Trincomalee districts, and other areas remained restricted by the military in Mullaitivu, Kilinochchi, and Mannar districts. Jaffna District continued to have the largest IDP population displaced by military occupation of land, with an estimated 18,000 individuals, as of the last available report, internally displaced within Jaffna. Sixteen full and eight partial village administrative divisions in Jaffna District remained closed to resettlement at the end of the year due to an HSZ in the Tellippalai division, the majority of which consisted of private land belonging to displaced families. In Trincomalee District, residents of an area of Sampur Exclusive Economic Zone, which partly overlapped with an HSZ, were denied access to 2,795 acres of land demarcated for a coal power project. At year's end almost 4,000 individuals remained displaced from the Sampur HSZ and were unable to return to their homes. Despite past assurances the government had not offered these individuals compensation for their lands. As of the last available reports, the government had resettled approximately 300 of the Sampur displaced individuals in nearby villages.

The Revival of Underperforming Enterprises and Underutilized Assets law permits the government to appropriate private assets it deems underperforming. The 2011 law resulted in a government takeover of 37 companies through the end of 2012. No companies were nationalized during the year. Although most of the targeted companies were defunct, several were operating, including the profitable Sevenagala Sugar Industries owned by Daya Gamage, a prominent member of the opposition United National Party (UNP).

#### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The law provides for the right to privacy, but the government infringed on this right, particularly when conducting cordon and search operations in Tamil neighborhoods. Security forces conducted searches of property and engaged in wiretapping and surveillance of private citizens with little judicial oversight. Seizure of private lands by various actors remained a problem across the country. There were reports of government-aided resettlement of Sinhalese families from the south into traditionally Tamil areas.

Land ownership disputes between private individuals in former war zones also escalated during the year, with many former residents returning to areas they had left many years before. Multiple displacements occurred in the northern and eastern areas over the many years of war, and land often changed hands several times. Documentation of land claims was difficult for a number of reasons. Many persons who had been displaced multiple times were not able to preserve original land deeds as they moved, and some official government land records were damaged or destroyed during intense fighting between government and LTTE troops. In 2011 the Ministry of Land and Land Development issued a circular establishing a process to collect and adjudicate land claims in the north and east. NGO observers questioned the effectiveness of the proposed framework due to its lack of substantive criteria for how cases should be adjudicated, its complex claim form, and its reliance on decision-making bodies composed of government and military officials with no training and at best a limited background in land adjudication.

Following widespread opposition to the circular and several legal challenges, the government withdrew it in January 2012 and replaced it in January with the Accelerated Program on Solving Post Conflict State Lands Issues in the Northern and Eastern Provinces – Land Circular 2013/01. A Center for Policy Alternatives study of the new circular noted some positive steps in comparison to its 2011 counterpart but added that the new circular contained key problems. The circular pertained to state lands only, but due to missing and lost deeds, multiple displacements, and the ravages of 26 years of war, land issues in the north and east were much more complex than a simple distinction between “state” and “private” lands.

In April the government began acquiring over 7,000 acres of land across the Northern Province. The largest single acquisition was a 6,381-acre tract in Jaffna District that the Center for Policy Alternatives estimated affected nearly 10,000 private property owners. According to the 1950 Land Acquisition Act, private property can be acquired by the government for a “public purpose,” but the law

required posting acquisition notices publicly and providing proper compensation owners. Acquisition notices in the Jaffna case uniformly stated that the rightful owners could not be located, but observers questioned the thoroughness of the government's efforts to contact the owners. Moreover, acquisition notices were frequently posted on HSZ land that was inaccessible to property owners, many of whom initiated court cases, including fundamental rights cases before the Supreme Court, to challenge the acquisition of their properties. According to the acquisition notices, most of the land acquired was to be used as army camps and bases, but among the purposes listed on certain notices were the establishment of a hotel, a factory, and a farm.

At year's end property rights between state and private owners remained mired in confusion, and observers noted that the overlapping legal frameworks served to increase northern Tamils' worst assumptions regarding state intentions behind land acquisitions and the reform of land law.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The law provides for freedom of speech, including for members of the press, but the government did not respect this right. Government officials criticized, pressured, harassed, and arrested members of the media, and most journalists practiced self-censorship.

**Freedom of Speech:** The constitution protects the right to free speech. This right, however, is subject to a host of restrictions, including public morality and national security. The government attempted to impede criticism throughout the year, including through harassment, intimidation, violence, and imprisonment. The government monitored political meetings, particularly in the north and east. There also were credible reports that civilian and military officials questioned local residents and groups who met with foreign diplomats regarding the content of their meetings.

**Press Freedoms:** In its *Freedom of the Press 2013* report, Freedom House noted serious problems regarding the country's economic, political, and legal environments for media institutions. The report attributed the decline in press freedom from the previous year to "an increase in verbal threats and intimidation against journalists by government officials, as well as the sale of the *Sunday*

*Leader*, formerly one of the island’s most independent newspapers, to an owner with close affiliation to the ruling party.”

On June 17, the Ministry of Mass Communication and Media published a draft code of ethics for media stating that “no publications should be published” that contained “criticism affecting foreign relations” or “materials against the integrity of the executive, judiciary, and legislature.” If implemented the code also would ban “information which could mislead the public,” that might “promote antinational attitudes,” or that “criticizes, maligns, or slanders any individual or group of persons.”

The government owned one of the country’s largest newspaper chains, two major television stations, and a radio station with eight channels. Private owners, however, operated a variety of independent newspapers, journals, and radio and television stations. The government imposed no political restrictions on the establishment of new media enterprises, although in December the government announced that no licenses would be granted for new television or radio stations due to a lack of available frequencies. In the north, the government restricted broadcast transmissions. In 2012 the government built a new tower in the Vanni region but during the year selectively blocked one private station from using the tower.

**Violence and Harassment:** National and international media freedom organizations and journalists’ associations expressed concern about restrictions on media freedom and were sharply critical of the government’s role in harassing and intimidating journalists. State-run media led a widespread campaign against human rights defenders, particularly those engaged with UN processes, including the 2012 and 2013 UN Human Rights Council sessions in Geneva. Press freedom activists and organizations, human rights defenders, and political activists were accused in the media of conspiring against the country by calling attention to ongoing violations of human rights. Government officials dispersed and interfered with membership training sessions held by media groups.

Senior government officials repeatedly accused journalists, who published critical stories about the government and its policies, of treason and often pressured editors and publishers to print stories that portrayed the government in a positive light. Sometimes the government reportedly exerted such pressure directly through threats and intimidation.

Although no journalist was reported killed or abducted during the year, frequent threats, harassment, detention, and physical attacks on media personnel continued. Journalists continued to flee the country due to fear for their safety. Statements by government and military officials contributed to an environment in which journalists who published articles critical of the government felt threatened. On May 6, Minister of Traditional Industries and Small Enterprise Development Douglas Devananda spoke to media personnel regarding the Northern Provincial Council elections and resettlement in Jaffna's HSZs and told the assembled journalists that if they misinterpreted what he said, he had the power to "crush the necks" of the media and take legal action against their organizations.

Attacks on the Tamil daily newspaper *Uthayan*, which began in what appeared to be concerted fashion in November 2012, continued throughout the year. In November 2012 *Uthayan* editor T. Mano Premanath was assaulted while trying to record a military incursion onto the grounds of Jaffna University. The assailants were allegedly plainclothes army soldiers. The newspaper's managing director and Tamil National Alliance MP E. Saravanapavan's vehicle's windows were also smashed with cinder blocks while he was meeting with Jaffna University students. There were reports that plainclothes military officers damaged his car in full view of the military and police.

On January 10, unidentified men on motorbikes attacked *Uthayan* distributor Nageswaran Piratheepan in Jaffna. After beating him with poles and breaking his arm, the assailants set fire to Piratheepan's motorbike and newspapers. On January 15, alleged army intelligence personnel threw oil on journalists from *Uthayan* as well as the Tamil newspapers *Thinakkural* and *Valampuri*, who were reporting on the Movement for Equal Rights protest of militarization in the north and east and to demand the release of Jaffna University students arrested in November 2012. On January 18, the CID summoned *Uthayan* editor Premananth Thevanayagam for questioning about an article implicating senior army officers in human rights abuses. On February 7, two unidentified men chased an *Uthayan* delivery employee in Jaffna, but he escaped without being attacked. On February 15, an army officer destroyed the camera of an online *Uthayan* journalist covering a hunger strike by the residents of Valikamam in front of the Durghaiamman temple. The officer took the camera when the journalist filmed alleged military intelligence personnel disturbing the hunger strikers with the help of ruling party political leaders. On March 20, a senior military officer in civilian clothing threatened an *Uthayan* staff reporter with bodily harm for his coverage of a progovernment protest against the UN Human Rights Council proceedings in Geneva. On April 3, seven masked men attacked *Uthayan*'s Kilinochchi branch

office in the early morning while newspaper bundles were being unloaded from a delivery vehicle. The seven men assaulted the staff, including manager Arumugam Ponrajah, Kitinan Piratheepan, Kuppusamy Visvanathan, and V. Sukirthan, who were admitted to the Kilinochchi hospital, and destroyed the office's computers and photocopier. On April 13, three helmeted gunmen entered *Uthayan*'s main office in Jaffna in the early morning and damaged the newspaper's principal printing machine, rendering it unusable. They burned all the newspapers in the office. On July 10, three assailants in a three-wheeler knocked *Uthayan* reporter Gunalan Dileepamuthan off his motorbike while on his way home from the office in Thellipalai. The unidentified attackers departed when a third vehicle approached the scene. A week later Jaffna police reported the incident as an "accident." No further police action occurred.

There remained no legal progress regarding the 2011 attack on *Uthayan* news editor Gnanasundaram Kuhanathan. There was also no progress in the 2011 firebombing of the premises of pro-opposition news website *Lanka-e-news*.

On August 24, a group of assailants held *Sunday Leader* associate editor Mandana Abeywickrema hostage at knifepoint for two hours while they rummaged through her home office. After initial investigations, police claimed that the attack was a "common burglary" attempt. Days later the thieves targeted her house again, this time searching her computer files. Abeywickrema fled the country after the attack and was fired from her job as a result of her absence. In 2012 progovernment owners bought the *Sunday Leader*, once a press freedom stalwart. That year former *Sunday Leader* editor Frederica Jansz left the country, following intimidation that included a July 2012 threat over the telephone from Secretary of Defense Gotabaya Rajapaksa. In January, Jansz reportedly told al-Jazeera from exile that, "since the end of the war in May 2009, there has been a definite slide, a very definite takeover, or state control, of all media outlets, and that includes independently or privately owned media."

International journalists who came to Sri Lanka to cover the Commonwealth Heads of Government Meeting (CHOGM) in November also faced significant restrictions on their movement and ability to report. Authorities detained two Australian journalists, questioned them at length, and then deported both from the country for attending a media freedom seminar. Immigration officials stated that the journalists had violated the terms of their tourist visas by attending the seminar. Reporters from the United Kingdom's Channel 4 were consistently harassed and threatened during their visit. They faced constant surveillance by security forces, and a progovernment mob stopped the train they were taking to

the Northern Province and forced the journalists to return to Colombo. Afterwards, Media Minister Keheliya Rambukwella reportedly noted that the government could not “vouch” for the safety of foreign journalists traveling outside of Colombo during CHOGM.

Censorship or Content Restrictions: Police reportedly maintained a special unit to monitor and control all references in the media to members of the Rajapaksa family. Official pressure reportedly was regularly exerted through orders to government and private firms to cease advertising in critical newspapers and television stations and advertise instead in progovernment outlets. Newspapers critical of the government faced difficulty obtaining credit from major banks, all of which the state owned or had interests in through pension programs and other investments. Independent and opposition media practiced self-censorship, particularly on matters of accountability, human rights, democratic governance, and criticism of government officials, especially the president and his family.

Libel Laws/National Security: In 2009 the government officially reactivated the 1973 Press Council Act. The act, which includes authority to impose punitive measures including fines and lengthy prison terms, proscribes the publishing of articles that discuss internal communications of the government, decisions of the cabinet, matters relating to the military that could affect national security, and details of economic policy that could lead to artificial shortages or speculative price increases.

Politicians sometimes used libel suits against journalists. During the year various high-level government authorities brought at least four cases for libel against MP and *Uthayan* managing director E. Saravanapavan. The cases continued at year's end. In November 2012 the Mount Lavinia District Court ordered Leader Publications and the *Sunday Leader* editor to pay Secretary of Defense Gotabaya Rajapaksa 250 million rupees (almost \$2 million) for defamation. The court determined that the *Sunday Leader* published false and malicious articles defaming the defense secretary and issued a permanent injunction preventing further defamation.

Nongovernmental Impact: Progovernment paramilitary groups and gangs affiliated with political parties inhibited freedom of expression, particularly in the north. Members of the EPDP were reportedly involved in harassment and intimidation of journalists in Jaffna.

## Internet Freedom

The government restricted access to the internet, including websites it deemed pornographic, as well as websites it deemed critical of the government. The government periodically blocked access to the *Colombo Telegraph*'s website, as well as several Tamil news websites, including the pro-LTTE *TamilNet*. Since 2011 the Ministry of Mass Media and Information required websites carrying local news to register with the government. The ministry blocked access to certain websites after receiving complaints about material that was "injurious to the image of the country, the head of the state, ministers, senior public officials, and other important persons." Thereafter, the ministry blocked 10 websites, although one of those sites subsequently was unblocked. Additionally the government blocked various other news websites throughout the year. In May 2012 a three-member bench led by Chief Justice Shirani Bandaranayake dismissed a fundamental rights case filed against the blocking of websites.

In June 2012 the CID raided the offices of independent news website *Srilankamirror* and official opposition UNP news website *Srilankaxnews*. During the raid CID officers arrested eight journalists for writing negatively about the government and president and for allegedly publishing false information. The CID entered with a warrant under existing laws, including penal code 120, which permits imprisonment for "attempts to excite feelings of disaffection to the president or to the government...or attempts to raise discontent or disaffection amongst the people of Sri Lanka." The cases against the journalists were suspended pending further evidence. The CID continued to hold the websites' computers, which it seized in November 2012. The Supreme Court was scheduled to hear a fundamental rights case filed by journalists from the *Sri Lanka Mirror* in February. As of year's end, no further information was available.

## **Academic Freedom and Cultural Events**

There were allegations that university officials prevented professors from criticizing government officials. Some academics noted that the environment of intimidation led to self-censorship.

Government surveillance, especially in the north, led to frequent disruptions of local cultural events. Since the military required that all public gatherings, including weddings and coming-of-age parties for young girls, be reported to local military officials, many families feared holding or participating in these basic cultural and social rites.

Military encroachment into universities continued throughout the year. In November 2012 Jaffna University students clashed with security forces during student demonstrations against the military's entry into dormitories the previous day to discourage commemoration of "Heroes Day," the unofficial day of remembrance for the LTTE. During the demonstration security forces, including both police and army, beat some students with batons. The security forces reportedly injured 20 students in the clashes, while seven required hospital treatment. Authorities arrested 40 students as a result of the incident and detained four student leaders without charge for four months. Authorities released the students in March, but reports of continued surveillance and harassment of student leaders continued throughout the year.

In February the Ministry of Education announced that 4,000 school principals were to be interviewed for military training to receive the title of lieutenant, major, or captain in the army. Critics suggested that the measure was an unnecessary incursion by the military into civilian educational institutions.

In 2011 a group of academics issued a statement protesting a decision by the Higher Education Ministry to provide the contract for university security to Rakna Arakshaka Lanka Ltd., a government-owned, commercial-security venture established under the Ministry of Defense and directly supervised by the defense secretary. Observers also expressed concerns regarding a mandatory leadership training program held in army camps in December 2012 for students who qualified to enter universities. At year's end both the security company and the mandatory leadership training remained in place.

## **b. Freedom of Peaceful Assembly and Association**

### **Freedom of Assembly**

The law provides for freedom of assembly, but the government did not respect this right and restrictions continued. The government required that army representatives be present at public assemblies in the north. There were a number of cases in which security forces restricted participation in demonstrations.

There were informal barriers to assembly on a number of occasions. On August 1, at Weliweriya in the Western Province, the army killed three persons during a demonstration against pollution of the local drinking water supply by a factory. In May 2012 the Supreme Court agreed to hear petitions filed by 51 of 102 Tamils arrested in 2011 for demonstrating against a series of attacks on women. Police

assaulted many of those protestors following an attack on an army detachment which damaged two military vehicles. The Supreme Court was scheduled to hear the case in March, but at year's end no new information regarding the case was available.

The government banned all protests during the November 15-17 CHOGM in Colombo, but some demonstrations still occurred during CHOGM week and were stifled by security forces. A progovernment crowd, including members of the nationalist Buddhist group Bodu Bala Sena, disrupted an event organized in Colombo by a human rights organization in coordination with the opposition UNP to cast light on the issue of disappeared persons in the north. Protestors in the north, who attempted to use British Prime Minister David Cameron's visit to the area to demonstrate against land seizures by the military and call attention to unsolved cases of abducted relatives, were either tightly controlled by security forces or intimidated into foregoing their protests.

### **Freedom of Association**

The law provides for freedom of association, but the government did not always respect this right. Some restrictions existed, such as those under the PTA. The government often used informants to target individuals for arrest and interrogation based on their associations.

#### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt/](http://www.state.gov/j/drl/irf/rpt/).

#### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The law grants every citizen "freedom of movement and of choosing his residence" and "freedom to return to the country." The government restricted this right on multiple occasions, however.

The government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations, but it restricted access to the north by NGOs and some international organizations, requiring them to obtain authorization for projects and access from the

Presidential Task Force (PTF). As a result, the UNHCR and NGOs had difficulty operating some projects.

**In-country Movement:** The government continued security checks on movements in all directions north of a key junction in Vavuniya District, although there were fewer checkpoints than during and immediately after the war. On March 5, police supported by the army stopped 11 buses of Tamil protesters at a checkpoint in Vavuniya, preventing them from attending a planned rally in Colombo on March 6 to protest extrajudicial killings and disappearances. MP Mano Ganesan, an organizer of the Colombo rally that had to be canceled as a result, told the media that “armed police and army intimidated bus drivers and threatened them with dire consequences if they moved.” Military spokesperson Brigadier General Ruwan Wanigasooriya denied any intimidation and claimed that police stopped the buses so that they would not be stoned on the road to Colombo. If the buses proceeded, he stated, “they could have been attacked and there could have been clashes.”

On November 13, military and police blocked three buses carrying approximately 150 persons who were traveling from the Northern Province to Colombo to participate in a human rights festival two days before the CHOGM to demand more information regarding the whereabouts of their missing relatives.

Limited access continued on and near most military bases and HSZs, where a restricted zone extended approximately 2.5 miles beyond the fences. As a result residents, particularly in the Northern Province, had difficulty traveling and obtaining access to agricultural lands.

**Exile:** The government did not expel citizens from one part of the country to another, nor did it forcibly exile any citizens abroad, but it allowed citizens under threat from the government to leave the country under self-exile, unless they were accused of breaking the law, with the understanding it would be unwise to return to the country. More than a dozen journalists who had received physical threats remained in self-exile due to safety fears. Many others were hiding within the country.

### **Internally Displaced Persons (IDPs)**

Humanitarian agencies estimated that nearly 90,000 Sri Lankans met the definition of an IDP. Most IDPs resided in Jaffna, Puttalam, Trincomalee, and Vavuniya districts. While all IDPs had full freedom of movement, most were unable to return to their lands of origin due to uncleared land mines; restrictions

designating their home areas as part of sensitive areas, HSZs, or exclusive economic zones (EEZs); lack of livelihoods; inability to access basic services, such as documents verifying land ownership; lack of government resolution of competing land claims; and other war-related destruction. Living conditions for these persons were often difficult and, according to humanitarian groups, did not conform to international “Sphere” standards, which set forth the minimum requirements in disaster response for shelter, food security, water and sanitation, and health services. As a result humanitarian agencies stated that they continued to provide limited but essential support to IDPs in parts of the Northern and Eastern Provinces. Contrary to government assertions that it had largely resolved the problems facing IDPs and was successfully handling resettlement, NGOs and UN agencies continued to provide the bulk of the essential services to resettle IDPs. Government tallies of the number of IDPs in the country fluctuated from zero to 24,000, depending upon the source.

Coordination among local government agents and humanitarian agencies on resettling IDPs diminished as a result of the departure of a number of humanitarian agencies, the dismantling of the UN-led “cluster system” to coordinate humanitarian assistance, and interference by the military, the PTF, and the Ministry of Economic Development in the coordination and approval of humanitarian projects. During the year the UN withdrew all but a few field offices and remained only in Kilinochchi, Jaffna, and Vavuniya districts, along with a small office in Batticaloa. The UN Office for the Coordination of Humanitarian Affairs was in the final phase of leading humanitarian coordination, and planned to depart the country at the end of 2014.

Between July and September 2012, the final group of almost 11,000 Menik Farm IDPs returned to their lands of origin in areas where the war ended in 2009. In late September 2012, the government resettled and relocated remaining IDPs from the Menik Farm IDP camp and closed the camp. Of the final group of IDPs relocated from Menik Farm, over 110 families were coerced to move to an unprepared relocation site at Keppapilavu in Mullaitivu District because the army occupied their lands of origin. Authorities did not provide the families with a written statement on the status of their land, what compensation the government would provide for land seized by the military, or what entitlements they had to land in the relocation site. Families in the Keppapilavu relocation site continued to struggle to access basic services, and the army repeatedly threatened them to refrain from speaking out or taking legal action against their relocation. Five female plaintiffs nonetheless filed a case against the army regarding the illegal occupation of their lands of origin.

Many IDPs who resettled in the Mullaitivu and Kilinochchi districts reported that the government provided land that had been hastily cleared of land mines and unexploded ordnance; did not have adequate shelter, water, and sanitation; had inadequate health and education services; or lacked basic livelihood potential. In some cases the government dangerously rushed the resettlement process. For example, in August 2012 more than 60 families were mistakenly allowed to resettle in confirmed hazardous areas laden with mines. Many returnees reported finding unexploded ordnance or land mines on their lands. In other cases of resettlement in Jaffna, returning residents found mass graves in hastily filled wells. The government insisted to both domestic and international observers that the IDP phase was over and that populations were able to access basic services. Many donors began to transition from humanitarian aid to longer-term assistance. As a result essential aid continued to be insufficient to support IDP resettlement.

At the last available report, among the long-term, protracted displaced were approximately 35,000 Muslims whom the LTTE evicted from Jaffna, Kilinochchi, Mullaitivu, Mannar, and Vavuniya in 1990. Despite the fact that some Muslim IDPs have lived for over 20 years with “host families” in IDP camps near Puttalam and did not wish to return to their lands of origin in Mannar, during the year the government deregistered many of these IDPs from their residences in Puttalam without informing them, and told them to resettle in Mannar. Some observers viewed this as a politically motivated move to rebalance the Muslim voting bloc in the district. Tensions between Muslims and Tamils in Mannar and disputes over the limited resources in the area have resulted. In addition, it appeared that the government engaged in the resettlement of Sinhalese from other parts of the country to the Northern Province. Humanitarian agencies reported that, in border districts (especially Vavuniya), the government gave preferential services to areas resettled by Sinhalese over areas being resettled by Tamils.

Among the long-term, protracted displaced were nearly 30,000 individuals displaced by HSZs or EEZs, persons living in welfare centers in the Jaffna area, persons living with host families, and others in transit camps in Trincomalee.

In June the UNHCR’s *Tool Three* report on IDPs stated that there was a generalized sense of insecurity in the north and east, especially among women, who headed over a quarter of households in the Northern Province. The report also stated that almost 60 percent of IDPs interviewed lived within a mile of an army camp. Only 19 percent of women and 35 percent of men felt “at ease” discussing their political views. In Mullaitivu and Kilinochchi, 43 percent and 49

percent of interviewees, respectively, stated that the military was involved in “settling disputes” in their communities. The UNHCR observed that the close proximity of communities to security forces in the north and east increased the risk of cruel, inhuman, and degrading treatment of the population by government forces and officials.

## **Protection of Refugees**

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government does not have a system for providing protection to refugees.

In June 2012 authorities ordered 193 asylum applicants to leave the country within 14 days. Government officials later agreed to withdraw the deportation orders but stated that all remaining refugees and asylum seekers, including the 193 previously ordered to leave, would need to depart by December 2012. The government also objected to UNHCR registration of new asylum seekers after June 2012, which contravened long-established written understandings between the government and the UNHCR. The UNHCR reported that the practice stopped in May.

Refugee Abuse: Documented refugees and asylum seekers reported continued harassment and surveillance by law enforcement and security forces, and many were concerned about their families’ protection status.

## **Stateless Persons**

According to the UNHCR, the country does not have habitual residents who are legally or de facto stateless. Children obtain citizenship by birth within the territory of the country and from a child’s parents if born to Sri Lankan citizens overseas.

The 2003 Grant of Citizenship to Persons of Indian Origin Act recognized the nationality of previously stateless persons, particularly hill-country Tamils. The government passed laws in 2009 to grant citizenship to hill-country Tamils living among other Sri Lankan ethnic Tamils in refugee camps in India’s Tamil Nadu, but progress was slow in finding and registering these persons and granting them citizenship.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The law provides citizens the right to change their government peacefully, and citizens exercised this right through periodic elections held on the basis of universal suffrage.

#### **Elections and Political Participation**

Recent Elections: The president, who was reelected in 2010 to a second six-year term, holds executive power, while the 225-member Parliament, elected in 2010, exercises legislative power. The government is dominated by the president's family: two of the president's brothers hold key executive branch posts, as defense secretary and minister of economic development, while a third brother is the speaker of Parliament. A large number of the president's other relatives, including his son, also serve in important political or diplomatic positions. Independent observers generally characterized the 2010 presidential and parliamentary elections as problematic. Both elections were fraught with violations of election law by all major parties and were influenced by the governing coalition's massive use of state resources.

On September 21, the government held provincial council elections in three of the country's nine provinces: the Northern, Central, and Northwestern Provinces. The Northern Province election was the first provincial election in the formerly LTTE-dominated territory in 25 years, when it was the combined North-Eastern Province. In 2007 the Northern Province was separated from the Eastern Province, leaving the Northern Province centrally governed. International and local election monitors characterized the provincial elections as fraught with election law violations by all major parties, including intimidation and the extensive use of state resources by the governing coalition to influence voters.

Before and on the day of the Northern Province elections, military and intelligence forces were highly visible, and some observers believed that the military's intent was to discourage voter turnout. The day before the election, progovernment supporters wearing military-like uniforms attacked the house of TNA candidate Ananthi Sasitharan and injured eight persons, including K. Sugash, Jaffna District legal advisor for People's Action for Free and Fair Elections, a local election monitoring organization.

Political Parties: Political parties were generally not free to operate or organize, especially in the Northern Province, where undercover surveillance of opposition political events was omnipresent. In the period prior to the Northern Province election in September, TID and CID interrogators questioned at least five TNA MPs regarding their public statements and political activities. In addition, trusted ruling party stalwarts allegedly benefited from favoritism for high-ranking government and business positions.

Participation of Women and Minorities: There are no laws that prevented women or minorities from participating in political life on the same basis as men or nonminority citizens. Some cultural and social barriers to women's participation included financial constraints and the violent nature of local politics, which often was linked through patronage to the drug trade, local gangs, and other nefarious elements. There was no provision for, or allocation of, a set number or percentage of political party positions for women or minorities. There were 13 women in the 225-member Parliament, two female ministers, and one woman on the 11-member Supreme Court. There were 27 Tamils and 18 Muslims in Parliament.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively, and officials in all three branches of government frequently engaged in corrupt practices with impunity.

Corruption: There were continued high levels of bribery and corruption complaints against public officials, particularly divisional secretariats, police personnel, and school principals. The Commission to Investigate Allegations of Bribery or Corruption was more active than in previous years in investigating complaints and taking legal action against persons accused of corruption.

The bribery commission received 3,163 complaints against government officers during the year, a significant increase over previous years. Authorities initiated 147 investigations into the complaints and made 95 arrests. At last report, 77 cases remained before the courts at the end of the year. The bribery commission does not have powers to initiate corruption investigations and must await a formal complaint before investigating reports of corruption. Members of the public were reluctant to submit complaints because of a lack of whistleblower protections.

Corruption and general mismanagement were common in many state institutions and state-owned companies. With the exception of the bribery commission's

assistance in the controversial impeachment of Chief Justice Shirani Bandaranayake, which many observers viewed as a politically motivated action to silence a critic of the government, no high-ranking official or politician had been prosecuted for corruption or abuse of power while serving in office. Nepotism and cronyism continued, and ruling-party loyalists allegedly received favored consideration for high-ranking government and business positions. Corruption watchdogs claimed that corruption extended to the highest levels of government.

**Whistleblower Protection:** There is no specific law to protect whistleblowers, although the fundamental rights provisions under the constitution could potentially be invoked to protect individuals who reported evidence of illegality.

**Financial Disclosure:** By law, members of the public can access records relating to the assets and liabilities of elected officials by paying a fee. The law requires all candidates for parliamentary, local government, provincial, and presidential elections to declare their assets and liabilities to the speaker of Parliament. There was no follow-up to ensure compliance with this law, and little or no reporting ultimately was done.

**Public Access to Information:** There is no law providing for public access to government information. Parliament defeated a 2011 opposition-proposed Right to Information bill.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A number of domestic and international human rights groups continued to investigate and publish their findings on human rights cases, despite government restrictions and physical threats. The government often denounced local and international NGOs, failed to respond to NGO requests for assistance, and put pressure on NGOs that sought such assistance. The NGO Secretariat was moved from the Social Services Ministry to the Ministry of Defense in 2010 and remained under the Ministry of Defense at year's end. Several NGOs noted a lack of clarity in ministry procedures and enforcement of regulations.

The government and its supporters remained hostile to NGO activities in certain areas. Government officials criticized in general terms local NGOs that accepted funding from international sources. There was particular scrutiny of organizations critical of the government on issues such as governance, transparency, and human rights.

The PTF for Resettlement, Development, and Security in the Northern Province continued to exist during the year as an extra-legal body with the authority to approve international and local NGO activities, along with those of the UN, in the Northern Province. The PTF, based in Colombo, superseded the authorities for development coordination and approvals, which had earlier resided with provincial- or district-level authorities, such as government agents, local councils, or ministerial representatives. The PTF's authority also trumped that of national-level ministries that wished to initiate development programs with international or local organizations, which complained about the PTF's apparent role in delaying projects deemed controversial by the government, usually in areas most affected by the conflict in the north. The PTF does not have staff based in the field, nor does it conduct regular monitoring; its approval authorities are generally seen as arbitrary and misinformed. The donor community reported that PTF delays prevented vulnerable populations from timely receipt of assistance.

On November 7, Nimalka Fernando, a human rights defender with a history of being threatened by government authorities dating to the March 2012 Human Rights Council session in Geneva, reported that she filed a complaint with the HRCLS after a radio talk show hosted by the chairman of the Sri Lankan Broadcasting Corporation aired several death threats against her by call-in listeners. At year's end HRCSL investigations into the matter continued.

A February 17 editorial in a state-run newspaper, *LankaWeb*, vilified some NGOs and their leaders (identified by name) for being “meddlesome,” “grossly intrusive,” and “counterproductive.” Accusing international and domestic NGOs of “hijacking domestic policy,” the editorialist questioned “whether they have any place in the future of the nation.” On May 30, the country’s deputy permanent representative to the UN in Geneva, Manisha Gunasekera, noted the “negative impact” that could result from insufficient regulation of NGO funding, adding that NGOs could “play a fundamental role in feeding terrorism and conflict.”

The government harassed and criticized the leadership of two foreign NGOs, the Friedrich Naumann Foundation (FNF) and the Friedrich Ebert Foundation (FEF), for their alleged support of opposition and local NGO activities. In May state-run Independent Television Network criticized FNF support of the opposition UNP and local NGO Center for Policy Alternatives, publicized the address and telephone number of the FNF’s Colombo office and released the name and photograph of its Sri Lankan office director. On June 13, authorities arrested FEF head Nora Langanbacher in Colombo on charges related to internal financial

mismanagement. The government later allowed her to leave the country, and FEF closed its office permanently as a result of government intimidation and harassment.

NGOs that proposed undertaking projects in northern and eastern areas to address matters such as psychosocial counseling, good governance training for local citizens, and legal aid often had difficulty obtaining government work permits. International NGO personnel often had trouble renewing their work visas, and the government made it difficult for international staff to get visas to enter the country. In April the government began requiring all hotels and guesthouses to provide police with the passport information of any foreigners who registered.

On June 13, the government announced new rules making it compulsory for all NGOs operating in the country to register with the Office for the Registration of Nongovernmental Organizations. The director general of the Media Center for National Security, Lakshman Hulugalle, stated that strict legal action would be taken against NGOs that did not comply, adding that a “large number” of the nearly 100 NGOs operating in the country surreptitiously engaged in activities “inimical to the state.” Authorities told NGOs to submit a report to the government listing their role, staff, funding sources, expenditures, and future plans. In November authorities closed the Media Center for National Security for unspecified reasons. According to media reports, Hulugalle retained directorship of the NGO Secretariat.

**UN and Other International Bodies:** The UN high commissioner for human rights, Navanethem Pillay, visited the country from August 25 to 31. She met with government and civil society interlocutors and traveled to Colombo, Jaffna, Kilinochchi, Mullaitivu, and Trincomalee. While the government stated that it welcomed Pillay’s visit, government officials verbally attacked Pillay before, during, and after the visit. Following the visit, media reported that Secretary of Defense Gotabaya Rajapaksa stated that he believed Pillay was influenced by LTTE elements during her visit, and President Rajapaksa questioned why Pillay did not raise the human rights concerns she publicly announced during their meeting together.

Pillay and UN officials expressed particular concern about the questioning of human rights defenders who met with her during the visit. For example, media reported that authorities interrogated V. Yogeswaran, the Trincomalee-based director of the Center for the Promotion and Protection of Human Rights, multiple times regarding the content of his one-hour meeting with Pillay. Following her

visit Pillay stated that “the United Nations takes the issue of reprisals against people because they have talked to UN officials as an extremely serious matter.”

On November 12, the Bar Association of Sri Lanka officially canceled a November 13 conference, “Making Commonwealth Values a Reality: The Rule of Law and Independence of the Legal Profession,” because the government revoked the visas of key speakers. The bar association reported that UN special rapporteur on the independence of judges and lawyers Gabriel Knaul, former special rapporteur on the independence of judges and lawyers Dato Para Cumaraswamy, and an International Bar Association representative were granted visas in August to attend the conference but were then told that they would not be allowed to enter the country. In a November 7 statement, the Ministry of External Affairs claimed the visits were never approved and blamed the bar association for failing to follow proper procedure in applying for the visas. They added that a ban against all “such events” before and during CHOGM was enacted due to resource limitations. The conference was cosponsored by the International Bar Association’s Human Rights Institute, which has criticized the country’s human rights record.

At year’s end there were eight outstanding requests for visits from UN special procedures mandate holders to the government, including: the special rapporteur on the independence of judges and lawyers; the independent expert on minority issues; the working group on enforced or involuntary disappearances; the special rapporteur on human rights defenders; the special rapporteur on freedom of expression; the special rapporteur on enforced, summary, or arbitrary executions; the special rapporteur on freedom of association and assembly; and the working group on discrimination against women in law and practice. During the year the government set dates for visits by the special rapporteur on the rights of internally displaced persons in December and the special rapporteur on the right to education in January 2014. During her August visit, High Commissioner Pillay urged the government to move forward with the visits by the independent expert on minority issues and the special rapporteur on enforced and involuntary disappearances.

In 2011 a panel of experts appointed by UN Secretary-General Ban Ki-moon published a report stating that there were credible allegations of serious violations of international humanitarian law and international human rights law by the government, including large-scale shelling of no-fire zones, systematic shelling of hospitals and other civilian targets, and summary execution, rape, and torture of those in the conflict zone. The report also highlighted a number of credible allegations against the LTTE, including using civilians as a strategic buffer, using

forced labor (including children), and committing summary executions of civilians attempting to flee the conflict zone. The report estimated that there could have been as many as 40,000 civilian deaths, including victims on both sides of the conflict. The report recommended, *inter alia*, that the government immediately investigate alleged violations of international humanitarian and human rights law committed by both sides involved in the conflict and issue a public, formal acknowledgment of its role in and responsibility for extensive civilian casualties during the final stages of the war. The report also recommended that the UN Secretary-General establish a mechanism to assess the efficacy of the government's domestic accountability process. Government officials issued statements strongly criticizing the report's findings and opposing the report's recommendations, but refused to respond formally to the UN. At year's end there was still no progress on the panel's recommendations.

In response to the panel of expert's recommendation that the UN conduct an internal review evaluating its own actions in Sri Lanka in the final months of the war, the UN Secretary-General established an internal review panel headed by senior UN official Charles Petrie. The panel reviewed more than 7,000 documents; interviewed civil society representatives, diplomats, and UN staff; and released its findings in November 2012. The review panel's report concluded that the UN system failed to meet its responsibilities at the end of the war to the detriment of hundreds of thousands of civilians. It cited several shortfalls in the UN response, including a lack of expertise at senior levels, a failure to prepare for the humanitarian crisis, poor communication and confused direction, lack of engagement by member states, and a reluctance to anger the government as the UN coordinated assistance. The government dismissed the report and criticized it as biased for drawing on allegations raised in the panel of experts report in arriving at its findings.

The ICRC closed its Jaffna and Vavuniya offices in 2011 at the government's request. The government had denied the ICRC access to former LTTE combatants held in rehabilitation centers, but in May it reinstated ICRC access, which has continued through year's end.

In November an Australian senator and a New Zealand MP planned to hold a press conference in Colombo to call attention to the country's human rights record, but immigration authorities detained them in their hotel room. After three hours of questioning, authorities released them and said they had violated the terms of their visas.

Government Human Rights Bodies: The HRCSL has jurisdiction to inquire into human rights violations. After an allegation is established, the HRCSL may make a recommendation for financial compensation to the victim, refer the case for disciplinary action or to the attorney general for prosecution, or both, with presidential approval. If an HRCSL order is not followed, a summons may be sent to both parties for explanation. If the parties continue in noncompliance, the HRCSL can report the case to the High Court as a matter of contempt, an offense punishable by imprisonment or fine. According to the most recent data available, the HRCSL's Investigation and Inquiry Division recorded 4,075 complaints by the end of 2011, 1,122 of which did not fall within the mandate of the commission.

During the year reports emerged that Colombo-based HRCSL officials advised its branch offices in the north to accept complaints of human rights violations only if complainants provided specific information about the alleged perpetrators. Observers expected the new requirement would reduce the number of persons willing to come forward with details regarding potential human rights violations.

By statute, the HRCSL has wide powers and resources and may not be called as a witness in any court of law or be sued for matters relating to its official duties. The HRCSL rarely used its powers, however, and there continued to be reports of a large backlog of cases with virtually no action by the commission during the year. In its concluding recommendations in November 2011, the UN Committee against Torture noted concerns "about the difficulties the HRCSL has had in carrying out its function owing in part to the lack of cooperation from other state party institutions, limited human and financial resources, and failure to publish the reports of its investigations." Rather than taking an investigative approach to determining the facts and details of human rights cases, the HRCSL took a more tribunal-like approach, weighing only the evidence brought to it in deciding whether to pursue a case. Observers expressed continued concerns with the HRCSL's lack of independence and transparency, particularly with the passage of the 18th amendment, which grants greater power to the president to oversee HRCSL appointments.

In 2010 the government established the LLRC, a presidential body mandated to inquire into the breakdown of the cease-fire with the LTTE. The LLRC provided its report to the president in 2011, and it was subsequently tabled in Parliament. In November 2012 the government posted translations of the report in Sinhala and Tamil on official government websites.

The LLRC report made observations and recommendations for government action on issues related to the breakdown of the cease-fire agreement, operations by security forces during the final stages of the war, international humanitarian law, human rights, land, restitution, and reconciliation. It acknowledged important grievances that contributed to the war. Many international and civil society groups found that the report made important recommendations for government action to address serious political, cultural, social, and human rights concerns. The report called on the government to: phase out security forces from civilian affairs and activities; delink police department from institutions dealing with the armed forces; investigate and hold accountable those responsible for abductions, disappearances, and attacks on journalists; implement recommendations of past domestic commissions of inquiry; disarm and prosecute illegally armed groups; provide better access to detainees; ensure the right of information; implement the official trilingual policy; depoliticize the process of collecting and adjudicating land claims; devolve power to local government institutions; and enact legislation to criminalize enforced or involuntary disappearances.

Many international and national observers criticized the LLRC report for not adequately addressing accountability for alleged war crimes committed by the government and the LTTE during the final months of the conflict and for exonerating the government of any wrongdoing. Such observers noted that the report found no systematic government wrongdoing in connection with incidents, such as the alleged killing of surrendering LTTE fighters, extensive shelling of no-fire zones, systematic shelling of hospitals, and withholding humanitarian supplies from civilians entrapped by the LTTE.

In July 2012 the government released a national action plan to implement 120 of the 285 recommendations contained in the LLRC report. The plan identified activities, actors, and time frames for implementation, with time periods of up to 36 months. Civil society organizations criticized the plan for its reliance on internal mechanisms for investigations rather than independent bodies and deferral of fundamental issues to a parliamentary select committee that had yet to be established. As in 2012 the government appeared to make the most significant progress during the year on recommendations relating to language issues. There was little, if any, progress on recommendations relating to international humanitarian law, human rights and democratic governance, and press freedom concerns. On July 5, the government published a new LLRC website that it claimed would track progress on the LLRC recommendations through the National Action Plan. Civil society observers, however, stated that many of the claims of government progress were incomplete, misleading, or unverifiable.

Updates from the government regarding implementation of the LLRC's recommendations were only being posted in English at year's end.

In January 2012 Army commander Jagath Jayasuriya appointed a five-member "initial fact-finding inquiry" to investigate observations made by the LLRC on civilian casualties in the final stages of the war. A similar court also was convened by the navy to inquire into relevant allegations. In November 2012 former attorney general and then legal advisor to the Cabinet of Ministers Mohan Peiris stated that the army court of inquiry held 50 sittings to probe allegations of human rights abuses and recorded statements from 30 witnesses (see section 1.a.).

Following a 2008 pledge, in 2011 the cabinet approved the five-year National Action Plan for the Protection and Promotion of Human Rights. In February 2012 the cabinet appointed a subcommittee to oversee its implementation, and in December 2012 the plan was posted on the internet in English, Sinhala, and Tamil. The government did not update the website during the year, and there continued to be little progress on implementation.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally respected these rights in practice. There were instances, however, in which gender and ethnic-based discrimination occurred.

### **Women**

Rape and Domestic Violence: The law prohibits rape and domestic violence, but it was not enforced effectively. Sexual assault, rape, and spousal abuse were pervasive societal problems. According to a September UN study conducted in six Asian countries, about 10 percent of Sri Lankan men in relationships admitted sexually abusing their partners. The law specifically addresses sexual abuse and exploitation, and it contains provisions in rape cases for an equitable burden of proof and stringent punishments. The law considers marital rape an offense only in cases of legally separated spouses. An average rape case took six to 12 years to be resolved. Observers believed that domestic violence was widespread, although discussion of the problem was not common.

While the law could potentially address some of the problems of sexual assault, many women's organizations believed that greater sensitization of police and the

judiciary was necessary to make progress in combating the crime. The Bureau for the Prevention of Abuse of Women and Children (BPWC), established by police, continued awareness programs in schools and at the grassroots level, encouraging women to file complaints. In March the government reported that training on prevention and management of gender-based violence was also provided by the Public Health Midwives and the Primary Health Care Workers groups. Police also continued to establish women's bureaus in police stations throughout the year. The BPWC held awareness programs for men in state and private organizations and targeted passenger transport personnel.

Police recorded 900 incidents of rape during the first six months of 2012, the most recent period for which data was available, but this number was an unreliable indicator of the degree of this problem because many victims were unwilling to file reports. Services to assist victims of rape and domestic violence, such as crisis centers, legal aid, and counseling, were generally scarce due to a lack of funding. The government established one shelter for victims of violence. The Ministry of Health, in partnership with NGOs, developed hospital-based centers to provide medical assistance to those requiring attention for sexual assault-related injuries before referral to legal and psychosocial services.

**Sexual Harassment:** Sexual harassment is a criminal offense carrying a maximum sentence of five years in prison. Some observers acknowledged sexual harassment to be widespread. As with domestic violence, discussion of the problem was not common.

Increased reports of the prevalence of "survival sex," whereby vulnerable women engaged in sexual acts for monetary and other kinds of support or compensation, especially with security force personnel, emerged throughout the year.

**Reproductive Rights:** Couples and individuals usually have the right to decide the number, spacing, and timing of their children free from discrimination, coercion, and violence. In 2012 an estimated 68 percent of the population between the ages of 15 and 49 used modern contraceptives, and observers estimated skilled attendance was present during childbirth at approximately 99 percent of births. Women appeared to be diagnosed and treated for sexually transmitted infections at the same rate as men.

In September researchers claimed they discovered that public health workers had administered the subdermal contraceptive implant Jadelle, potentially without informed consent to women from Veravil, Keranchi, and Valaipaddu at a

government-run nutrition clinic in Kilinochchi. A group of activists called The Social Architects (TSA) visited the Veravil, Keranchi, Valaipaddu, Umaiyalpuram, and Malaiyalapuram villages, where IDPs had begun to rebuild their postwar lives. TSA, under constant military surveillance, interviewed 23 women ranging in age from 15 to 43, members of the Ministry of Health in Kilinochchi, field-level health workers, and community leaders. TSA investigators concluded that public health workers administered the contraceptive under false pretenses to women attending a nutrition clinic. In November a 26-year-old Kilinochchi woman died 10 weeks after administration of the contraceptive, and subsequent tests demonstrated the woman had been two months pregnant at the time of the implant. Investigations into the contraceptive administration and the woman's death continued at year's end.

**Discrimination:** The law provides for equal employment opportunity in the public sector. Women had no legal protection against discrimination in the private sector, where they were sometimes paid less than men for equal work and experienced difficulty in rising to supervisory positions. Although women constituted approximately half of the formal workforce, according to the Asian Development Bank, the quality of employment available to women in 2012 was less than that available to men. The demand for female labor was mainly for casual and low-paid, low-skilled jobs.

Women have equal rights under civil and criminal law. Adjudication of questions related to family law – including divorce, child custody, and inheritance – according to the customary law of each ethnic or religious group, resulted in de facto discrimination. The government's National Action Plan for Women was still not available at year's end.

## **Children**

**Birth Registration:** Children obtain citizenship by birth within the territory of the country and from a child's parents, if born to citizens overseas. Authorities registered births immediately, and failure to register resulted in denial of some public services, such as education.

**Child Abuse:** By law, the definition of child abuse includes all acts of sexual violence against, trafficking in, and cruelty to children. The law also prohibits the use of children in exploitative labor or illegal activities or in any way contrary to compulsory education regulations. It defines child abuse to include the involvement of children in war. The BPWC conducted investigations into crimes

against children and women. The penalties for sexual assault of children range from five to 20 years' imprisonment and an unspecified fine.

NGOs continued to attribute exploitation of children to the lack of enforcement of child abuse laws rather than inadequate legislation. In May 2012 a government statement noted that, of the 1,450 female rape cases reported in 2011, 1,169 involved children. In July 2012 police reported that more than 700 complaints of rape or abuse of children were filed in the first half of the year and, on average, at least four cases were reported daily. According to the National Child Protection Authority (NCPA), the situation was worse than what was reported to police. According to the most recent available data, the NCPA estimated that more than 20,000 cases of child abuse may have occurred in the first half of 2012. In November the minister of child development and women's affairs, Tissa Karaliyadda, told a local newspaper that only 7,418 children were abused in 2012.

There were regular reports of sexual abuse of children by teachers, principals, and religious instructors. There were also a number of child rape cases reported in which government officials were suspects. In March media reported that an unnamed ruling party member of the Maharagama Municipal Council surrendered to authorities after the mother of a 12-year-old girl in Athurugiriya complained to local police that the councilman raped her daughter. The Kaduwela magistrate remanded him until April 12, but no further information about the case was available at year's end. On August 27, authorities reportedly remanded Tissa Seneviratne, deputy mayor of Nuwara Eliya, on charges stemming from the alleged sexual abuse of five young boys. Media reported on September 23 that authorities released Seneviratne on bail pending a November 11 court date, but no further information about the case was available at year's end.

**Forced and Early Marriage:** The minimum legal age for marriage is 18 for both men and women, although girls can marry as early as 16 with parental consent. According to the 2006-07 Demographic Health Survey, 11 percent of women between the ages of 20 and 24 reported being married or in a union before age 18. The Ministry of Child Development and Women's Affairs held a series of programs in the Batticaloa, Anuradhapura, Galle, and Hambantota districts to educate the public at the village level about the complications that may result from early marriage. In its July study, *Emerging Concerns and Case Studies on Child Marriage in Sri Lanka*, UNICEF documented a growing list of human rights concerns, especially for young girls, resulting from early marriage trends, particularly in poorer, war-affected communities.

**Sexual Exploitation of Children:** The government advocated greater international cooperation to bring persons guilty of sexual exploitation of children to justice. Although the government did not keep records of particular types of violations, the law prohibits sexual violations against children, defined as persons younger than 18, particularly in regard to child pornography, child prostitution, and the trafficking of children. Penalties for violations related to pornography and prostitution range from two to five years' imprisonment.

The NCPA warned in 2011 of an increase in child sexual exploitation related to the rapid growth of tourism. The government's tourist police and the NCPA conducted island-wide awareness programs focusing on children, travel guides, and the coastal communities close to tourist destinations. There were limited reports of child sex tourism in isolated areas during the year. The Department of Probation and Child Care Services provided protection to children who were victims of abuse and sexual exploitation and worked with local NGOs that provided shelter. The NCPA created an undercover operation in the southern coastal region to identify sexual tourism perpetrators and victims. As a preventive measure, the NCPA also implemented an awareness program conducted at all schools.

**Displaced Children:** Children in IDP welfare centers and relocation sites were exposed to the same difficult conditions as adult IDPs and returnees in these areas. Many school facilities were in poor condition and lacked basic supplies. Medical care in these areas was limited, but improvements continued throughout the year.

**International Child Abductions:** The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information, see the Department of State's report on compliance at [travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html), as well as country-specific information at [travel.state.gov/content/childabduction/english/country/srilanka.html](http://travel.state.gov/content/childabduction/english/country/srilanka.html).

## **Anti-Semitism**

The Jewish population remained very small, but anti-Semitic sentiments existed in the country. No notable public displays of such sentiments appeared to occur during the year.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/](http://www.state.gov/j/tip/).

## Persons with Disabilities

The law forbids discrimination against any person with physical, sensory, intellectual, or mental disabilities in employment, education, air travel and other public transportation, and access to health care. In practical terms, however, discrimination occurred in employment, education, and provision of state services, including public transportation. Children with disabilities were generally permitted to attend mainstream schools, but due to societal stigma against persons with disabilities, many parents of children with disabilities chose to keep their children out of school. There were regulations on accessibility, but accommodation for access to buildings and public transportation for persons with disabilities was rare. The government supported participation by persons with disabilities in civic affairs.

Persons with disabilities faced difficulties due to negative attitudes and societal discrimination. In some rural areas, the belief of many residents that physical and mental disabilities were contagious led to long-term isolation of persons with disabilities, some of whom rarely or never left their homes.

According to independent aid organizations, government restrictions on implementing aid projects, particularly in the north, affected persons with disabilities. They also reported a lack of inclusion of persons with disabilities in mainstream development initiatives and a lack of coordination between disability rights and general human rights.

## National/Racial/Ethnic Minorities

Both local and Indian-origin Tamils maintained that they suffered longstanding, systematic discrimination in university education, government employment, and other matters controlled by the government. Tamils throughout the country, but especially in the north and east, reported that security forces and paramilitary groups frequently harassed young and middle-aged Tamil men.

## Indigenous People

The country's indigenous people, known as Veddas, by some estimates numbered fewer than 1,000. Some preferred to maintain their traditional way of life and

were nominally protected by the law. There were no legal restrictions on their participation in political or economic life, but lack of legal documents was a problem for many. Vedda communities complained that they were pushed off their lands by the creation of protected forest areas, which deprived them of traditional livelihoods.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Same-sex sexual activity is punishable by a prison sentence of up to 10 years, and there were no legal safeguards to prevent discrimination based on sexual orientation or gender identity. In practical terms the criminal provisions were very rarely enforced. In recent years human rights organizations reported that, while not actively arresting and prosecuting members of the LGBT community, police harassed and extorted money or sexual favors from LGBT individuals with impunity and assaulted gays and lesbians in Colombo and other areas. Crimes and harassment against LGBT individuals were a problem, although such incidents often went unreported. Social stigma against LGBT persons remained a problem. There were reports that persons undergoing gender-reassignment procedures had difficulty amending government documents to reflect those changes. A civil society group that worked to advance LGBT rights reported close monitoring by security and intelligence forces.

### **Other Societal Violence or Discrimination**

There was no official discrimination against persons who provided HIV prevention services or against high-risk groups likely to spread HIV/AIDS, although there were reports of societal discrimination against these groups.

During the year there was a serious escalation in the number of attacks by extremist Buddhist groups, many with direct ties to high government officials, against religious minorities, including Muslims, Hindus, Jehovah's Witnesses, evangelical Christians, and Catholics (see section 1.d.).

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right of workers to form and join unions of their choice, with the exception of members of the armed forces, police officers, judicial

officers, and prison officers. Workers in nonessential services industries, except for workers in public service unions, have the right to bargain collectively. All collective bargaining agreements must be registered with the Labor Ministry.

The president has broad discretion to declare sectors “essential” to national security, the life of the community, or the preservation of public order. The government did not declare any sectors or services essential during the year. The law prohibits retribution against strikers in nonessential sectors. While seven workers may form a union, adopt a charter, elect leaders, and publicize their views, a union must represent 40 percent of workers at a given enterprise before the employer is legally obligated to bargain with it. By law, public-sector unions are not allowed to form federations or represent workers from more than one branch or department of government. The Labor Ministry can cancel a union’s registration if it fails to submit an annual report for three years.

The law prohibits antiunion discrimination. Labor laws do not cover domestic workers in third-party homes and informal sector workers.

The law allows unions to conduct their activities without interference, but the government enforced the law unevenly. Violations for antiunion discrimination can result in a fine of 100,000 rupees (\$769). The law requires an employer found guilty of antiunion discrimination to reinstate workers fired for union activities, but it can transfer them to different locations. These penalties were not generally sufficient to deter violations. Resources for inspections and remediation were inadequate. Only the Labor Ministry has legal standing to pursue an unfair labor practice case, including for antiunion discrimination. The Labor Ministry worked to improve the process for union registration during the year, although administrative delays continued. To improve freedom of association, the government established trade union facilitation centers in three of the largest export processing zones.

Since 1999 the Labor Ministry has filed only six cases against companies for unfair labor practices under the Industrial Disputes Act. In 2012 the courts dismissed one case due to insufficient evidence, one case was unsuccessful, and the last four continued at year’s end. There were no new cases initiated during the year. Citing routine government inaction on alleged violations of labor rights, some unions continued to press for standing to sue, while others did not want that ability, citing the cost of filing cases. Workers brought some labor violations to court under various other labor laws, such as the Wages Board Act or Employees Provident Fund Act, leading to investigations of several employers.

Freedom of association and the right to bargain collectively were generally, but not always, respected. Unions represented workers in large private firms, but workers in small-scale agriculture and small businesses usually did not belong to unions, and workers in private factories found it difficult to organize. Employers, including the government and citizens, occasionally sought court intervention to break strikes. Union activists and officials remained subject to harassment, intimidation, and other retaliatory practices. Employers arbitrarily transferred or unfairly dismissed union members.

Most public-sector employees belonged to unions. On several occasions throughout the year, public-sector workers attached to various government departments, hospitals, universities, and schools, as well as bus drivers, staged strikes. While some unions in the public sector were politically independent, most large unions affiliated with political parties and played a prominent role in the political process.

Unions alleged that employers often indefinitely delayed recognition of unions to avoid collective bargaining, decrease support for unionization, or identify, terminate, and sometimes assault or threaten union activists. To address these concerns, the ministry issued a circular in 2011 requiring labor commissioners to hold union certification elections within 30 working days of an application for registration if there was no objection or within 45 working days if there was an objection. The commissioners held three such elections in the 2012-13 period.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced and compulsory labor, but penalties were not sufficient to deter violations. The government generally enforced the laws, but resources, inspections, and remediation efforts were not adequate. Labor Ministry inspections do not extend to domestic workers. There were continued reports of sporadic government prosecutions of labor agents who fraudulently recruited migrant workers, and the government appeared to sustain past efforts to enhance interministerial coordination through monthly meetings. There were reports that children were subjected to bonded and forced labor in dry-zone farming areas, on plantations, and to a lesser extent in the fireworks and fish-drying industries. In many of those cases, parents incurred a debt and then sent their children to work to repay the loan (see section 7.c.).

Situations similar to forced labor occurred in the employment of children between the ages of 14 and 18 and women working as live-in domestic workers in some homes.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/](http://www.state.gov/j/tip/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The minimum age for employment is 14, although the law permits the employment of younger children by their parents or guardians in limited family agriculture work or technical training. In 2011 the government issued regulations prohibiting the employment of persons under the age of 18 in 51 types of work considered to be hazardous. The law limits the workhours of 14- and 15-year-olds to nine hours per day and of 16- and 17-year-olds to 10 hours per day. The government published a plan in 2010 for the elimination of the worst forms of child labor by 2016. The plan was developed with assistance from workers' representatives, the International Labor Organization, and UNICEF. The Labor Ministry continued to make some progress implementing the plan during the year. For example, it continued to hold awareness-raising programs for partner organizations in certain provinces. The ministry continued to cite lack of funds for the full implementation of the plan.

The NCPA is the central agency for coordinating and monitoring the protection of children, with the specific mandate to enforce laws on all forms of child abuse. The Ministry of Labor has the specific mandate to enforce laws on child labor and hazardous child labor. The Department of Probation and Child Care Services and police are responsible for enforcement of child labor laws. The government did not effectively enforce all laws. The government's resources, inspections, and remediation efforts were not adequate, and the penalties were not sufficient to deter violations. In 2011, the most recent year for which data was available, the Labor Ministry carried out 237 inspections of child labor situations and found 13 violations.

The largest sector using child labor, both legally and illegally, was agriculture, where children under 18 were employed both in plantations and in nonplantation agriculture during harvest periods. In addition to agriculture, children worked as street vendors, domestic helpers, and in the mining, construction, manufacturing, transport, fishing, and tile industries. Children displaced by the war were especially vulnerable to being employed in hazardous labor.

Many thousands of children between the ages of 14 and 18 were employed in domestic service in urban households. Child domestic workers reportedly were subjected to physical, sexual, and emotional abuse, and there were also reports of rural children in debt bondage in urban households. Child employment was also common in family enterprises, such as family farms, crafts, small trade establishments, restaurants, and repair shops. Children were exploited in prostitution in coastal areas as part of sex tourism (see section 6, Children).

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

#### d. Acceptable Conditions of Work

While there was no national minimum wage, 43 wage boards established by the Ministry of Labor's Relations and Manpower Office set minimum wages and working conditions by sector and industry in consultation with unions and employers. The minimum monthly wage in the areas of the private sector covered by wage boards was 6,900 rupees (\$53) plus an extra allowance of 1,000 rupees (\$8), for a total of 7,900 rupees (\$61). The minimum wage in the public sector was 18,166 rupees (\$140). Minimum wage laws did not cover workers in sectors not covered by wage boards, including informal sector workers. The official estimate of the poverty income level was 3,772 rupees (\$28.79) per person per month, although some analysts questioned the validity of this estimate. The law does not require equal pay for equal work.

The law prohibits most full-time workers from regularly working more than 45 hours per week (a five-and-a-half-day workweek). In addition, the law stipulates a rest period of one hour per day. Regulations limit the maximum overtime hours to 15 per week. Overtime pay is 1.5 times the basic wage and is also paid for work done on either Sundays or holidays. The provision limiting basic work hours is not applicable to managers and executives in a public institution. The law provides for paid annual holidays.

The government sets occupational health and safety standards, but health and safety regulations did not fully meet international standards. Workers have the right to remove themselves from dangerous situations, but many workers were unaware of such rights or feared that they would lose their jobs if they did so.

Authorities did not effectively enforce minimum wage, hours of work, and occupational safety and health standards in all sectors. The Labor Ministry's resources, inspections, and remediation efforts were inadequate. There was a need to improve occupational health and safety in the rapidly growing construction sector, including on infrastructure development projects, such as port, airport, and road construction.

Labor Ministry inspectors checked whether employers were providing complete pay to employees and were contributing to pension funds as required by law, but unions questioned whether the inspections were effective. The ministry's Labor Inspectorate consisted of 618 officers. The number of inspections of factories decreased slightly, while the number of inspectors increased. The punishment for nonpayment of wages and pension contributions is negligible, ranging from 100 rupees (\$0.76) to 250 rupees (\$1.92) for the first offense and 500 rupees (\$3.84) to 1,000 rupees (\$7.69), and/or a jail term of six months, for the third offense. A fine of 50 rupees (\$0.38) per day is charged if the offense continues after conviction. These penalties were not sufficient to deter violations. Labor inspectors did not monitor wages or working conditions or provide programs or social protections for informal sector workers, of which there were significant numbers. There were no reliable sources of data for the informal sector, nor was there an agency that tracked industrial or workplace accidents.